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SENATE JOINT RESOLUTION 8223

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Quigley, Pelz, Snyder, Loveland and Talmadge

Read first time 01/19/94.      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 III,  
6 sections 1, 3, 4, 10, 12, 15, 17, 18, 21, and 24 and to Article II,  
7 sections 1 and 34 of the Constitution of the state of Washington to  
8 read as follows:

9            Article III, section 1.      EXECUTIVE DEPARTMENT. The executive  
10 department shall consist of a governor, lieutenant governor,  
11 (~~secretary of state,~~) treasurer, auditor, attorney general,  
12 superintendent of public instruction, and a commissioner of public  
13 lands, who shall be severally chosen by the qualified electors of the  
14 state at the same time and place of voting as for the members of the  
15 legislature.

16            Article III, section 3.      OTHER EXECUTIVE OFFICERS, TERMS OF OFFICE.  
17 The lieutenant governor, (~~secretary of state,~~) treasurer, auditor,  
18 attorney general, superintendent of public instruction, and

1 commissioner of public lands, shall hold their offices for four years  
2 respectively, and until their successors are elected and qualified.

3 Article III, section 4. RETURNS OF ELECTIONS, CANVASS, ETC. The  
4 returns of every election for the officers named in the first section  
5 of this article shall be sealed up and transmitted to the seat of  
6 government by the returning officers, directed to the (~~secretary of~~  
7 ~~state~~) attorney general, who shall deliver the same to the speaker of  
8 the house of representatives at the first meeting of the house  
9 thereafter, who shall open, publish, and declare the result thereof in  
10 the presence of a majority of the members of both houses. The person  
11 having the highest number of votes shall be declared duly elected, and  
12 a certificate thereof shall be given to such person, signed by the  
13 presiding officers of both houses; but if any two or more shall be  
14 highest and equal in votes for the same office, one of them shall be  
15 chosen by the joint vote of both houses. Contested elections for such  
16 officers shall be decided by the legislature in such manner as shall be  
17 determined by law. The terms of all officers named in section one of  
18 this article shall commence on the second Monday in January after their  
19 election until otherwise provided by law.

20 Article III, section 10. VACANCY IN OFFICE OF GOVERNOR. In case of  
21 the removal, resignation, death, or disability of the governor, the  
22 duties of the office shall devolve upon the lieutenant governor; and in  
23 case of a vacancy in both the offices of governor and lieutenant  
24 governor, the duties of the governor shall devolve upon the (~~secretary~~  
25 ~~of state~~) attorney general. In addition to the line of succession to  
26 the office and duties of governor as hereinabove indicated, if the  
27 necessity shall arise, in order to fill the vacancy in the office of  
28 governor, the following state officers shall succeed to the duties of  
29 governor and in the order named, viz.: Treasurer, auditor, (~~attorney~~  
30 ~~general,~~) superintendent of public instruction, and commissioner of  
31 public lands. In case of the death, disability, or failure or refusal  
32 of the person regularly elected to the office of governor to qualify at  
33 the time provided by law, the duties of the office shall devolve upon  
34 the person regularly elected to and qualified for the office of  
35 lieutenant governor, who shall act as governor until the disability be  
36 removed, or a governor be elected; and in case of the death,  
37 disability, or failure or refusal of both the governor and the

1 lieutenant governor elect to qualify, the duties of the governor shall  
2 devolve upon the (~~secretary of state~~) attorney general; and in  
3 addition to the line of succession to the office and duties of governor  
4 as hereinabove indicated, if there shall be the failure or refusal of  
5 any officer named above to qualify, and if the necessity shall arise by  
6 reason thereof, then in that event in order to fill the vacancy in the  
7 office of governor, the following state officers shall succeed to the  
8 duties of governor in the order named, viz: Treasurer, auditor,  
9 (~~attorney general,~~) superintendent of public instruction, and  
10 commissioner of public lands. Any person succeeding to the office of  
11 governor as in this section provided, shall perform the duties of such  
12 office only until the disability be removed, or a governor be elected  
13 and qualified; and if a vacancy occur more than thirty days before the  
14 next general election occurring within two years after the commencement  
15 of the term, a person shall be elected at such election to fill the  
16 office of governor for the remainder of the unexpired term.

17 Article III, section 12. VETO POWERS. Every act which shall have  
18 passed the legislature shall be, before it becomes a law, presented to  
19 the governor. If he approves, he shall sign it; but if not, he shall  
20 return it, with his objections, to that house in which it shall have  
21 originated, which house shall enter the objections at large upon the  
22 journal and proceed to reconsider. If, after such reconsideration,  
23 two-thirds of the members present shall agree to pass the bill it shall  
24 be sent, together with the objections, to the other house, by which it  
25 shall likewise be reconsidered, and if approved by two-thirds of the  
26 members present, it shall become a law; but in all such cases the vote  
27 of both houses shall be determined by the yeas and nays, and the names  
28 of the members voting for or against the bill shall be entered upon the  
29 journal of each house respectively. If any bill shall not be returned  
30 by the governor within five days, Sundays excepted, after it shall be  
31 presented to him, it shall become a law without his signature, unless  
32 the general adjournment shall prevent its return, in which case it  
33 shall become a law unless the governor, within twenty days next after  
34 the adjournment, Sundays excepted, shall file such bill with his  
35 objections thereto, in the office of (~~secretary of state~~) the  
36 attorney general, who shall lay the same before the legislature at its  
37 next session in like manner as if it had been returned by the governor:  
38 *Provided*, That within forty-five days next after the adjournment,

1 Sundays excepted, the legislature may, upon petition by a two-thirds  
2 majority or more of the membership of each house, reconvene in  
3 extraordinary session, not to exceed five days duration, solely to  
4 reconsider any bills vetoed. If any bill presented to the governor  
5 contain several sections or appropriation items, he may object to one  
6 or more sections or appropriation items while approving other portions  
7 of the bill: *Provided*, That he may not object to less than an entire  
8 section, except that if the section contain one or more appropriation  
9 items he may object to any such appropriation item or items. In case  
10 of objection he shall append to the bill, at the time of signing it, a  
11 statement of the section or sections, appropriation item or items to  
12 which he objects and the reasons therefor; and the section or sections,  
13 appropriation item or items so objected to shall not take effect unless  
14 passed over the governor's objection, as hereinbefore provided. The  
15 provisions of Article II, section 12 insofar as they are inconsistent  
16 herewith are hereby repealed.

17 Article III, section 15. COMMISSIONS, HOW ISSUED. All commissions  
18 shall issue in the name of the state, shall be signed by the governor,  
19 sealed with the seal of the state, and attested by the (~~secretary of~~  
20 ~~state~~) attorney general.

21 Article III, section 17. (~~SECRETARY OF STATE~~) ATTORNEY GENERAL,  
22 ADDITIONAL DUTIES (~~AND SALARY~~). In addition to the duties specified  
23 in Article III, section 21, the (~~secretary of state~~) attorney general  
24 shall keep a record of the official acts of the legislature, and  
25 executive department of the state, and shall, when required, lay the  
26 same, and all matters relative thereto, before either branch of the  
27 legislature, and shall perform such other duties as shall be assigned  
28 him by law. (~~He shall receive an annual salary of twenty-five hundred~~  
29 ~~dollars, which may be increased by the legislature, but shall never~~  
30 ~~exceed three thousand dollars per annum.~~)

31 Article III, section 18. SEAL. There shall be a seal of the state  
32 kept by the (~~secretary of state~~) attorney general for official  
33 purposes, which shall be called, "The Seal of the State of Washington."

34 Article III, section 21. ATTORNEY GENERAL, DUTIES AND SALARY. The  
35 attorney general shall be the legal adviser of the state officers, and

1 shall perform such other duties as may be prescribed by law. Effective  
2 January 13, 1997, the attorney general shall assume responsibility for  
3 all duties previously assigned by law to the secretary of state. He  
4 shall receive an annual salary of two thousand dollars, which may be  
5 increased by the legislature, but shall never exceed thirty-five  
6 hundred dollars per annum.

7 Article III, section 24. RECORDS, WHERE KEPT, ETC. The governor,  
8 (~~secretary of state,~~) treasurer, auditor, superintendent of public  
9 instruction, commissioner of public lands, and attorney general shall  
10 severally keep the public records, books, and papers relating to their  
11 respective offices, at the seat of government, at which place also the  
12 governor, (~~secretary of state~~) attorney general, treasurer, and  
13 auditor shall reside.

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

23 (a) Initiative: The first power reserved by the people is the  
24 initiative. Every such petition shall include the full text of the  
25 measure so proposed. In the case of initiatives to the legislature and  
26 initiatives to the people, the number of valid signatures of legal  
27 voters required shall be equal to eight percent of the votes cast for  
28 the office of governor at the last gubernatorial election preceding the  
29 initial filing of the text of the initiative measure with the secretary  
30 of state.

31 Initiative petitions shall be filed with the (~~secretary of state~~)  
32 attorney general not less than four months before the election at which  
33 they are to be voted upon, or not less than ten days before any regular  
34 session of the legislature. If filed at least four months before the  
35 election at which they are to be voted upon, he shall submit the same  
36 to the vote of the people at the said election. If such petitions are  
37 filed not less than ten days before any regular session of the

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

30 (b) Referendum. The second power reserved by the people is the  
31 referendum, and it may be ordered on any act, bill, law, or any part  
32 thereof passed by the legislature, except such laws as may be necessary  
33 for the immediate preservation of the public peace, health or safety,  
34 support of the state government and its existing public institutions,  
35 either by petition signed by the required percentage of the legal  
36 voters, or by the legislature as other bills are enacted: *Provided*,  
37 That the legislature may not order a referendum on any initiative  
38 measure enacted by the legislature under the foregoing subsection (a).  
39 The number of valid signatures of registered voters required on a

1 petition for referendum of an act of the legislature or any part  
2 thereof, shall be equal to or exceeding four percent of the votes cast  
3 for the office of governor at the last gubernatorial election preceding  
4 the filing of the text of the referendum measure with the (~~secretary~~  
5 ~~of state~~) attorney general.

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

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

1 of the legislature of the right to introduce any measure. All such  
2 petitions shall be filed with the (~~secretary of state~~) attorney  
3 general, who shall be guided by the general laws in submitting the same  
4 to the people until additional legislation shall especially provide  
5 therefor. This section is self-executing, but legislation may be  
6 enacted especially to facilitate its operation.

7 (e) The legislature shall provide methods of publicity of all laws  
8 or parts of laws, and amendments to the Constitution referred to the  
9 people with arguments for and against the laws and amendments so  
10 referred. The (~~secretary of state~~) attorney general shall send one  
11 copy of the publication to each individual place of residence in the  
12 state and shall make such additional distribution as he shall determine  
13 necessary to reasonably assure that each voter will have an opportunity  
14 to study the measures prior to election.

15 Article II, section 34. BUREAU OF STATISTICS, AGRICULTURE, AND  
16 IMMIGRATION. There shall be established in the office of the  
17 (~~secretary of state~~) attorney general, a bureau of statistics,  
18 agriculture, and immigration, under such regulations as the legislature  
19 may provide.

20 BE IT FURTHER RESOLVED, That this amendment will take effect  
21 January 13, 1997, but no primary or election for the office of  
22 secretary of state will be held in 1996.

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

26 The legislature finds that the changes contained in the foregoing  
27 amendment constitute a single integrated plan for transferring the  
28 duties of the Secretary of State to the attorney general. If the  
29 foregoing amendment is held to be separate amendments, this joint  
30 resolution is void in its entirety and is of no further force and  
31 effect.

32 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
33 notice of the foregoing constitutional amendment to be published at

- 1 least four times during the four weeks next preceding the election in
- 2 every legal newspaper in the state.

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