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HOUSE JOINT RESOLUTION 4202

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Campbell, Hargrove and Smith

Read first time 01/13/95.      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 shall submit the same to the vote  
11 of the people at the said election. If such petitions are filed not  
12 less than ten days before any regular session of the legislature, he  
13 shall certify the results within forty days of the filing. If  
14 certification is not complete by the date that the legislature  
15 convenes, he shall provisionally certify the measure pending final  
16 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 electors  
21 voting thereon shall be amended or repealed by the legislature ((within  
22 a period of two years following such enactment: *Provided,* That any  
23 such act, law, or bill may be amended within two years after such  
24 enactment at any regular or special session of the legislature)) except  
25 by a vote of two-thirds of all the members elected to each house with  
26 full compliance with section 12, Article III, of the Washington  
27 Constitution, and no amendatory law adopted in accordance with this  
28 provision shall be subject to referendum. But such enactment may be  
29 amended or repealed at any general regular or special election by  
30 direct vote of the people thereon.

31 (d) The filing of a referendum petition against one or more items,  
32 sections, or parts of any act, law, or bill shall not delay the  
33 remainder of the measure from becoming operative. Referendum petitions  
34 against measures passed by the legislature shall be filed with the  
35 secretary of state not later than ninety days after the final  
36 adjournment of the session of the legislature which passed the measure  
37 on which the referendum is demanded. The veto power of the governor  
38 shall not extend to measures initiated by or referred to the people.  
39 All elections on measures referred to the people of the state shall be

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

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

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

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

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