

HOUSE BILL REPORT

HJR 4201

As Reported by House Committee On:

State Government

Brief Description: Reducing signatures required for an initiative to the legislature.

Sponsors: Representatives Romero, Haigh, Hunt, Upthegrove and McDermott.

Brief History:

Committee Activity:

State Government: 2/4/03, 2/7/03 [DP].

Brief Summary of Bill

- Amends the State Constitution to lower the signature requirement for initiatives to the Legislature from 8 percent to 6 percent.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Katie Blinn (786-7114).

Background:

Amendments to the State Constitution (Constitution) require a two-thirds majority approval in the Legislature and simple majority approval by the people at the following general election.

Any legal voter may file with the Secretary of State (Secretary) an initiative to the people, an initiative to the Legislature, or a referendum. The authority for the people to legislate was established in 1911 in the Constitution, Article II, Section 1. The number of valid signatures necessary for an initiative to the people to qualify for the ballot is 8 percent of the votes cast for Governor at the last gubernatorial election, and the signed petitions must be filed with the Secretary in early July, at least four months prior to the general election. The number of valid signatures necessary for an initiative to the Legislature is also 8 percent, and the signed petitions must be filed at least 10 days before

the start of the regular session. The number of signatures required for a referendum is 4 percent, and the petitions must be filed within 90 days of the end of session.

Once the text of an initiative is filed with the Secretary, it must be submitted to the Code Reviser for review of its form and style. The Code Reviser can recommend revisions or alterations, but such recommendations are advisory only and may be rejected by the sponsor. The Secretary then assigns the measure a serial number and the Attorney General writes a 75-word summary and the ballot title, which consists of a subject statement, a 30-word concise description, and a question. The ballot title becomes the title of the measure on all petitions, ballots and other material, and the summary appears after the ballot title on all petitions. Each petition must have lines for the signatures on one side, and the measure printed on the other side. When the person proposing the measure has enough signatures to exceed the 4 percent or 8 percent requirement, he or she files the petitions with the Secretary for certification. The Secretary must verify and canvass the names on the petitions. If an initiative to the people or a referendum is found sufficient, the Secretary certifies to the county auditors the serial number and ballot title to be voted on at the next general election.

If an initiative to the Legislature is found sufficient, the Legislature may approve it, reject it, refer it to the people, or offer an alternative. The Legislature cannot amend the initiative, so if the Legislature decides to approve it, the Legislature must do so in its original form. If the Legislature refers the initiative to the people or takes no action on it, the measure is submitted to the people at the next general election. If the Legislature proposes an alternative addressing the same subject, both measures are submitted to the people for a vote at the next general election. Whenever the Legislature proposes an alternative, the concise description of the alternative must indicate as clearly as possible the essential differences between the two measures.

Summary of Bill:

The State Constitution is amended to lower the minimum number of signatures necessary to qualify an initiative to the Legislature from 8 percent of the votes cast for Governor at the last gubernatorial election to 6 percent. If the Joint Resolution is approved by the Legislature, the constitutional amendment will be placed on the November general election ballot for approval by the people.

Appropriation: None.

Fiscal Note: Not Requested.

Testimony For: It is becoming increasingly difficult to balance the budget by the ballot. One single idea or solution is not going to solve the initiative challenge. The initiative

process is sacred to the people. The bill stems from many roundtable discussions held during the summer of 2001. One idea suggested during those discussions was to require that all initiatives be initiatives to the Legislature. However, this bill, lowering the signature requirement for initiatives to the Legislature, is the carrot approach. The Legislature can have public hearings on the measures that will provide ample opportunity for public input and get the issues aired. This is a reasonable approach. We are not opening the door to lowering the signature requirement for all initiatives because such a move requires a constitutional amendment.

The Association of General Contractors supports the bill because it consistently supports the concept of public hearings for initiatives to the people. Public hearings allow an opportunity for all aspects of the proposed legislation to be heard.

Testimony Against: None.

Testified: Representative Romero, prime sponsor; and Duke Schaub, Association of General Contractors.