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HOUSE JOINT RESOLUTION 4215

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Nixon and Talcott

Read first time 01/10/2006.                      Referred to Committee on State Government Operations & Accountability.

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 the  
4 secretary of state shall submit to the qualified voters of the state  
5 for their approval and ratification, or rejection, an amendment to  
6 Article II, section 1 of the Constitution of the state of Washington to  
7 read as follows:

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

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

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

5 Initiative petitions shall be filed with the secretary of state not  
6 less than four months before the election at which they are to be voted  
7 upon, or not less than ten days before any regular session of the  
8 legislature. If filed at least four months before the election at  
9 which they are to be voted upon, he shall submit the same to the vote  
10 of the people at the said election. If such petitions are filed not  
11 less than ten days before any regular session of the legislature, he  
12 shall certify the results within forty days of the filing. If  
13 certification is not complete by the date that the legislature  
14 convenes, he shall provisionally certify the measure pending final  
15 certification of the measure. Such initiative measures, whether  
16 certified or provisionally certified, shall take precedence over all  
17 other measures in the legislature except appropriation bills and shall  
18 be either enacted or rejected without change or amendment by the  
19 legislature before the end of such regular session. If any such  
20 initiative measures shall be enacted by the legislature it shall be  
21 subject to the referendum petition, or it may be enacted and referred  
22 by the legislature to the people for approval or rejection at the next  
23 regular election. If it is rejected or if no action is taken upon it  
24 by the legislature before the end of such regular session, the  
25 secretary of state shall submit it to the people for approval or  
26 rejection at the next ensuing regular general election. The  
27 legislature may reject any measure so proposed by initiative petition  
28 and propose a different one dealing with the same subject, and in such  
29 event both measures shall be submitted by the secretary of state to the  
30 people for approval or rejection at the next ensuing regular general  
31 election. When conflicting measures are submitted to the people the  
32 ballots shall be so printed that a voter can express separately by  
33 making one cross (X) for each, two preferences, first, as between  
34 either measure and neither, and secondly, as between one and the other.  
35 If the majority of those voting on the first issue is for neither, both  
36 fail, but in that case the votes on the second issue shall nevertheless  
37 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))~~ An act, law, or bill ~~((subject to referendum))~~ shall  
19 take effect ~~((until))~~ ninety days after the adjournment of the session  
20 at which it was enacted, unless a different effective date is declared  
21 by the legislature. No act, law, or bill approved by a majority of the  
22 electors voting thereon shall be amended or repealed by the legislature  
23 within a period of two years following such enactment: *Provided*, That  
24 any such act, law, or bill may be amended within two years after such  
25 enactment at any regular or special session of the legislature by a  
26 vote of two-thirds of all the members elected to each house with full  
27 compliance with section 12, Article III, of the Washington  
28 Constitution, and no amendatory law adopted in accordance with this  
29 provision shall be subject to referendum. But such enactment may be  
30 amended or repealed at any general regular or special election by  
31 direct vote of the people thereon.

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

1 the measure on which the referendum is demanded. The veto power of the  
2 governor shall not extend to measures initiated by or referred to the  
3 people. All elections on measures referred to the people of the state  
4 shall be had at the next succeeding regular general election following  
5 the 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 shall determine necessary  
27 to reasonably assure that each voter will have an opportunity to study  
28 the measures prior to election.

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

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