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HOUSE JOINT RESOLUTION 4217

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**State of Washington                      63rd Legislature                      2014 Regular Session**

**By** Representatives Pollet, Muri, Hargrove, Sequist, Farrell, Kretz, Haler, Sells, Short, Moscoso, Orwall, Sawyer, Hudgins, and Ortiz-Self

Read first time 01/23/14.      Referred to Committee on Government Operations & Elections.

1            BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3            WHEREAS, Access to the information held and used by governments is  
4 vital for an informed public to exercise its political power;

5            WHEREAS, The people of this state do not yield their sovereignty to  
6 the agencies that serve them;

7            WHEREAS, The people insist on remaining informed so that they may  
8 maintain control over the instruments that they have created; and

9            WHEREAS, Providing public access to public records and information,  
10 and governing openly, are core functions of all governmental bodies.

11            THAT, At the next general election to be held in this state the  
12 secretary of state shall submit to the qualified voters of the state  
13 for their approval and ratification, or rejection, amendments to  
14 Article I and Article II of the Constitution of the state of Washington  
15 by adding new sections and an amendment to Article II section 11 of the  
16 state of Washington to read as follows:

17            Article I, section . . . (1) The people have the right of access  
18 to records concerning the conduct of the people's business by the  
19 executive department and all legal subdivisions of the state.

1 (2) A statute, court rule, or other authority must be broadly  
2 construed if it furthers the people's right of access, and narrowly  
3 construed if it limits the people's right of access.

4 (3) Any statute, court rule, or other authority that limits the  
5 people's right of access to information held by any branch of  
6 government must be necessary to fulfill a compelling government  
7 purpose, including but not limited to protecting individual privacy or  
8 the rights of a criminal defendant.

9 (4) A statute, court rule, or other authority that limits the  
10 people's right of access, if adopted after the effective date of this  
11 section, must include findings demonstrating the compelling government  
12 purpose that necessitates adoption of the limitation.

13 Article II, section 11. Each house shall keep a journal of its  
14 proceedings and publish the same(~~(, except such parts as require~~  
15 ~~secrecy)~~). The doors of each house shall be kept open(~~(, except when~~  
16 ~~the public welfare shall require secrecy)~~). Neither house shall  
17 adjourn for more than three days, nor to any place other than that in  
18 which they may be sitting, without the consent of the other.

19 Article II, section . . . . The legislative powers include the  
20 power of the legislature and the people to ensure that the executive  
21 department is administered openly. No record in the possession of the  
22 executive department is presumptively privileged from disclosure to the  
23 legislature and the people.

24 Article II, section . . . . Nothing in this article creates a  
25 privilege for nondisclosure of records of the legislature regarding  
26 conduct of public business.

27  
28 BE IT FURTHER RESOLVED, That this amendment is a single amendment  
29 within the meaning of Article XXIII, section 1 of the state  
30 Constitution.

31 The legislature finds that the changes contained in this amendment  
32 constitute a single integrated plan for ensuring the people's right of  
33 access to government records.

34 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
35 notice of this constitutional amendment to be published at least four

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

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