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**SENATE BILL 5535**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Fain, Liias, Rivers, Miloscia, Nelson, McCoy, Mullet, Dammeier, Litzow, Frockt, Hill, Chase, Darneille, and Kohl-Welles

AN ACT Relating to establishing a citizens' initiative review pilot program; amending RCW 29A.32.070; adding new sections to chapter 29A.72 RCW; creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature recognizes that Washington voters support initiatives in order to propose and enact laws or reject laws at an election independent of the legislature. The legislature also recognizes that informed public discussion and the exercise of the initiative power will be enhanced by an independent panel of voters who will report to the electorate on initiatives in the voter's pamphlet. Citizen initiative review panels established in other states have proven to be a useful tool for voters to gain important information about initiatives. Therefore, the legislature proposes to establish a two-year pilot program for citizens' review of initiatives.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.72 RCW to read as follows:

(1) The citizens' initiative review oversight committee is established.

(2) The committee shall have ten members selected as follows:

(a) Two members from the senate representing each of the major political parties selected by the secretary of the senate;

(b) Two members from the house of representatives representing each of the major political parties selected by the chief clerk of the house of representatives;

(c) One member selected by the governor;

(d) Four members from nonpartisan civic organizations, one each selected by each caucus of the senate and the house of representatives; and

(e) The secretary of state.

(3) The committee shall have the following duties:

(a) To select two initiatives to be voted on at the general election for review by the panel. In selecting the initiatives, the committee, at a minimum, must consider the fiscal impact of the measure, the availability of funds to conduct the review, the significance of other impacts on the public, and other criteria established by the committee; and

(b) To review the work of the citizens' initiative review panels to determine compliance with legislative intent.

(4) The secretary of state has operational responsibility for the review panels. The secretary of state must:

(a) Convene and chair the citizen panels selected under section 3 of this act to review the initiatives;

(b) Contract with a facilitator for each citizen panel. A facilitator must have experience in mediation and training people in the use of analytical skills for review of complex measures; and

(c) Secure proponents and opponents of the initiative, as well as experts, to appear before the panel to make presentations and answer questions from panel members.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.72 RCW to read as follows:

(1) Each initiative selected by the citizens' initiative review committee under section 2 of this act must be reviewed by a citizen panel. Each panel must have not fewer than eighteen and not more than twenty members.

(2) The secretary of state shall select citizens for each panel from a representative sample of anonymous electors, using survey sampling methods that, to the extent practicable, give every elector a similar chance of being selected.

(3) The secretary of state shall ensure, to the extent practicable and legally permissible, that the demographic makeup of each panel fairly reflects the population of the electorate of this state as a whole, with respect to the following characteristics, prioritized in the following order:

(a) The location of the elector's residence;

(b) The elector's voting history; and

(c) The elector's age.

(4) In addition to the criteria described in subsection (3) of this section, the secretary of state may also consider:

(a) The elector's gender;

(b) The elector's ethnicity; and

(c) Any other criteria.

(5) Panel members shall be reimbursed for subsistence and travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) Once an initiative is selected for review, the secretary of state shall convene the citizen panels for up to four consecutive days and not less than twenty-five hours. Each panel shall conduct public hearings in which the panel receives testimony or other information from proponents and opponents of the measure, as well as experts not affiliated with the proponents or opponents of the measure to analyze impacts of the measure and answer questions. The panels must be open to the public for observation.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.72 RCW to read as follows:

(1) Each citizen panel shall prepare and submit to the secretary of state, at a date set by the secretary of state, no more than four statements of two hundred fifty words each as follows:

(a) Ten key findings about the measure determined by a majority of the panel;

(b) Five statements supporting the measure as determined by a majority of the panel;

(c) Five statements opposing the measure as determined by a majority of the panel; and

(d) A statement indicating the results of the panel's vote on the measure.

(2) The secretary of state shall prescribe the size and manner of placement of the statements submitted by the citizen panel to be printed in the voters' pamphlet. The statements must be clearly differentiated from other arguments or statements about the initiatives in the voters' pamphlet. The secretary of state must include with any citizen panel statement a description of the citizen panel process and the following explanation:

"The opinions expressed in this statement are those of the members of a citizen panel and were developed through the citizen review process and are not official opinions or positions endorsed by the State of Washington or any government agency. A citizen panel is not a judge of the constitutionality or legality of any ballot measure, and any statements about such matters are not binding on a court of law."

**Sec.**  RCW 29A.32.070 and 2009 c 415 s 5 are each amended to read as follows:

The secretary of state shall determine the format and layout of the voters' pamphlet published under RCW 29A.32.010. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Measures and arguments must be printed in the order specified by RCW 29A.72.290.

The voters' pamphlet must provide the following information for each statewide issue on the ballot except measures for an advisory vote of the people whose requirements are provided in subsection ((~~(11)~~))(12) of this section:

(1) The legal identification of the measure by serial designation or number;

(2) The official ballot title of the measure;

(3) A statement prepared by the attorney general explaining the law as it presently exists;

(4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) The fiscal impact statement prepared under RCW 29A.72.025;

(6) The statement submitted by the citizens' initiative review panel pursuant to section 4 of this act;

(7) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

((~~(7)~~))(8) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

((~~(8)~~))(9) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

((~~(9)~~))(10) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

((~~(10)~~))(11) The full text of the measure;

((~~(11)~~))(12) Two pages shall be provided in the general election voters' pamphlet for each measure for an advisory vote of the people under RCW 43.135.041 and shall consist of the serial number assigned by the secretary of state under RCW 29A.72.040, the short description formulated by the attorney general under RCW 29A.72.283, the tax increase's most up‑to‑date ten‑year cost projection, including a year‑by‑year breakdown, by the office of financial management under RCW 43.135.031, and the names of the legislators, and their contact information, and how they voted on the increase upon final passage so they can provide information to, and answer questions from, the public. For the purposes of this subsection, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office email address.

NEW SECTION. **Sec.**  After the 2016 general election, the secretary of state shall contract for an evaluation of the effectiveness of the citizen initiative review process. The results of the evaluation must be reported to the appropriate committees of the legislature. To the extent practicable, the secretary of state shall seek a pro bono evaluation by a well-qualified organization. The evaluation must determine the effectiveness of the pilot citizens' initiative review as defined by the criteria used in previous evaluations funded by the national science foundation.

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