

# HOUSE BILL REPORT

## HB 1364

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**As Reported by House Committee On:**  
State Government  
Appropriations

**Title:** An act relating to establishing a citizens' initiative review pilot program.

**Brief Description:** Establishing a citizens' initiative review pilot program.

**Sponsors:** Representatives S. Hunt, Johnson, Bergquist, Walsh, Hunter, Zeiger, Harris, Kagi, Stanford, Ormsby and Farrell.

**Brief History:**

**Committee Activity:**

State Government: 1/28/15, 2/12/15 [DPS];

Appropriations: 2/26/15, 2/27/15 [DP2S(w/o sub SG)].

**Brief Summary of Second Substitute Bill**

- Establishes a citizens' initiative review pilot project.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Appleton and Gregory.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Hawkins.

**Staff:** Marsha Reilly (786-7135).

**Background:**

State law requires that the state voters' pamphlet include information for each statewide issue on the ballot including:

- the full text of the measure;
- the fiscal impact of the measure;

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- statements prepared by the Attorney General explaining the law as it presently exists, and the effect of the proposed measure if it becomes law;
- an argument advocating the voters' approval of the measure; and
- an argument advocating the voters' rejection of the measure.

The arguments are provided by a committee advocating for approval of the measure, and a committee advocating rejection of the measure. The Secretary of State (Secretary) and the presiding officers of the Senate and the House of Representatives appoint the initial two members of each committee, and consider legislators, sponsors of initiatives and referenda, and other interested groups known to advocate or oppose the ballot measure.

The initial two members may select up to four additional members. Each committee submits its initial argument to the Secretary, who transmits the statements to the opposite committee for rebuttal statements.

The State of Oregon adopted a Citizens' Initiative Review process in 2011. Citizen panels are selected to participate in a review process which culminates with a statement detailing the key findings of the panel, which is printed in the voters' pamphlet.

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### **Summary of Substitute Bill:**

A Citizens' Initiative Review process is established as a pilot project for 2016. A Citizens' Initiative Review Committee (Committee) is created and consists of 10 members as follows:

- two members representing each caucus of the Senate, selected by the Secretary of the Senate;
- two members representing each caucus of the House of Representatives, selected by the Chief Clerk;
- one member selected by the Governor;
- four members from nonpartisan civic organizations, one each selected by each caucus of the Senate and the House of Representatives; and
- the Secretary of State (Secretary).

The Committee must select two initiatives on the 2016 general election ballot for review by citizen panels. In selecting the initiatives for review, the Committee must consider the fiscal impact of the measure, the funds available for the review, the significance of impacts on the public, and other established criteria. The Committee must also review the work of the citizen review panels to determine compliance with legislative intent.

The Washington State Institute for Public Policy (WSIPP) shall convene panels and chair the meetings. Panel members shall be selected by the WSIPP, working with the Secretary. No fewer than 18 citizens shall be selected for each review panel from a representative sample of anonymous electors. To the extent practicable and legally permissible, the demographic makeup of the panels must reflect the population of the electorate of the state based on the following characteristics prioritized in the following order: the location of the elector's residence; the elector's voting history; and the elector's age. Consideration may also be given to the elector's gender, ethnicity, and any other criteria.

Once the Committee has selected the initiatives for review, the WSIPP shall convene the citizen panels. The panels shall meet for up to four consecutive days, and not less than 25 hours. Each panel shall conduct public hearings to hear testimony from proponents and opponents of the measure, as well as experts not affiliated with the proponents or opponents, to analyze the impacts of the measure and answer panel members' questions.

Each panel must prepare four statements of no more than 250 words each indicating the following:

- 10 key findings determined by a majority of the panel members;
- five statements supporting the measure as determined by a majority of the panel members;
- five statements opposing the measure as determined by a majority of the panel members; and
- a statement indicating the results of the panel's vote on the measure.

The statements shall be submitted to the Secretary and printed in the voters' pamphlet and must be clearly differentiated from other arguments or statements regarding initiatives in the voters' pamphlet.

The WSIPP shall contract for an evaluation of the effectiveness of the Citizen Initiative Review process, and the results must be reported to the appropriate committees of the Legislature.

Panel members shall be reimbursed for subsistence and travel expenses and shall receive a stipend of \$100 per day.

The act expires July 1, 2017.

**Substitute Bill Compared to Original Bill:**

The substitute bill specifies that the WSIPP convenes the citizen panels and works with the Office of the Secretary of State in selecting members of the citizen panels. The period of the pilot project is changed from two years to one. Each member of a citizen panel receives a \$100 per day stipend.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This program is patterned after the Oregon program that has been successfully implemented over the past few years.

There is a significant amount of confusion on many of the initiatives on the ballot. The Citizen Initiative Review (CIR) process will provide unbiased and important information to the voters. About 20 citizens are randomly selected and come together for four days to hear from key policy experts and proponents and opponents about the selected initiative. The panel studies the issue and formulates key findings and factual statements that are printed in the voter's pamphlet. The evaluation of the Oregon process was funded by the National Science Foundation.

Citizen panelists are highly satisfied with the process in Oregon. Panels become confident that they can make informed statements. The CIR process in Oregon has produced factually accurate statements. Two-thirds of Oregonians who read the CIR statements found it helpful.

Surveys indicate that voters' discontent with initiatives revolves around the sources of information for initiatives. Most think initiative campaigns are misleading, but many have confidence about the information in the voters' pamphlet. The bill establishes a system where citizens can evaluate relevant statements of fact.

The panelists in Oregon worked together to provide a service to the people of Oregon, putting personal positions aside, analyzing the information, composing statements of fact about the initiatives. Panel members considered things about the initiative that were confusing and what money was coming into the state to support and oppose the measure.

One of the shortcomings of initiatives is that the process is not scrutinized as it is with the normal legislative process. Voters do not know how to vote. Arguments in the voters' pamphlet are ardently pro or con, and the writers of the arguments are selective about what information is included. The CIR process is an excellent opportunity to educate voters and involve citizens in the process.

(Opposed) None.

**Persons Testifying:** Representative S. Hunt, prime sponsor; Mary Lou Dickerson, Responsible Choices; John Gastil, Pennsylvania State University; Mark Smith, University of Washington; Ann Bakkensen, Citizens' Initiative Review Commission of Oregon; and John King, Fix Democracy First.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government. Signed by 18 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, Pettigrew, Sawyer, Senn, Springer, Sullivan, Tharinger and Walkinshaw.

**Minority Report:** Do not pass. Signed by 13 members: Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Condotta, Dent, Haler, G. Hunt, MacEwen, Magendanz, Schmick, Taylor and Van Werven.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Fagan and Stokesbary.

**Staff:** Meghan Bunch (786-7119).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government:**

The duties of the Washington State Institute for Public Policy (WSIPP) are clarified. The process for selecting the electors for the panels may begin no earlier than February 2016, and convening the panels shall take place immediately after the initiatives have been selected. The facilitators chair the panels, rather than the WSIPP, and the panels' statements must be submitted to the Office of the Secretary of State no later than August 10, 2016. No more than one page per initiative will be allocated for panel statements in the voters' pamphlet.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Washington's review program is modeled after Oregon's Citizen Initiative Review Program, which has been successful for five years. This is not an anti-initiative matter, but rather a way to provide voters with more information to make responsible choices about initiatives. The pilot is a way to provide trustworthy, unbiased, plain speech to voters without messing with the initiative process. This is a service to voters in the state.

The fiscal note estimates are too high. The WSIPP assumes they will provide all of the services. The WSIPP can carry out the process with half the estimated staff time. Restricting the citizens' initiative review information to one page per initiative will also cut costs. Oregon also has two four-day reviews, but the cost is only about \$190,000 for staff time and running the program. In Oregon, the program's commission contracts out services for the selection process, which also reduces expenses.

(Opposed) None.

**Persons Testifying:** Representative S. Hunt, prime sponsor; Mary Lou Dickerson, Responsible Choices; and Lucy Greenfield, Healthy Democracy.

**Persons Signed In To Testify But Not Testifying:** None.