
SECOND SUBSTITUTE HOUSE BILL 1364

State of Washington

64th Legislature

2015 Regular Session

By House Appropriations (originally sponsored by Representatives S. Hunt, Johnson, Bergquist, Walsh, Hunter, Zeiger, Harris, Kagi, Stanford, Ormsby, and Farrell)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to establishing a citizens' initiative review
2 pilot program; amending RCW 29A.32.070; adding new sections to
3 chapter 29A.72 RCW; creating new sections; and providing an
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that Washington
7 voters support initiatives in order to propose and enact laws or
8 reject laws at an election independent of the legislature. The
9 legislature also recognizes that informed public discussion and the
10 exercise of the initiative power will be enhanced by an independent
11 panel of voters who will report to the electorate on initiatives in
12 the voter's pamphlet. Citizen initiative review panels established in
13 other states have proven to be a useful tool for voters to gain
14 important information about initiatives. Therefore, the legislature
15 proposes to establish a pilot program for a citizens' review of
16 initiatives for 2016.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.72
18 RCW to read as follows:

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

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

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

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

7 (c) One member selected by the governor;

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

11 (e) The secretary of state.

12 (3) The committee shall have the following duties:

13 (a) To select two initiatives to be voted on at the 2016 general
14 election for review by a citizen panel. In selecting the initiatives,
15 the committee, at a minimum, must consider the fiscal impact of the
16 measure, the availability of funds to conduct the review, the
17 significance of other impacts on the public, and other criteria
18 established by the committee; and

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

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.72
22 RCW to read as follows:

23 (1) The Washington state institute for public policy shall
24 administer the initiative review process under section 2(3)(a) of
25 this act.

26 (2) Beginning no earlier than February 2016, the institute shall
27 begin the process of selecting the members of the citizen panels. The
28 institute may contract out the selection process. Each panel must
29 have not fewer than eighteen and not more than twenty members.

30 (a) The institute shall work with the secretary of state to
31 select citizens for each panel from a representative sample of
32 anonymous electors, using survey sampling methods that, to the extent
33 practicable, give every elector a similar chance of being
34 selected. To the extent practicable and legally permissible, the
35 demographic makeup of each panel must fairly reflect the population
36 of the electorate of this state as a whole, with respect to the
37 following characteristics, prioritized in the following order: (i)
38 The location of the elector's residence; (ii) the elector's voting
39 history; and (iii) the elector's age. In addition, the elector's

1 gender and ethnicity may also be considered, as well as other
2 criteria as needed.

3 (b) Panel members shall be reimbursed for subsistence and travel
4 expenses in accordance with RCW 43.03.050 and 43.03.060. Panel
5 members shall receive a stipend of one hundred dollars for each day
6 serving on the panel.

7 (3) The institute shall contract for two facilitators, one for
8 each citizen panel. A facilitator must have experience in mediation
9 and training people in the use of analytical skills for review of
10 complex measures. The institute shall secure proponents and opponents
11 of the initiative, as well as experts, to appear before the panels to
12 make presentations and answer questions from panel members.

13 (4) Once the initiatives are selected for review, the institute
14 shall immediately convene the citizen panels for up to four
15 consecutive days and not less than twenty-five hours. The
16 facilitators shall chair the panels. Each panel shall conduct public
17 hearings in which the panel receives testimony or other information
18 from proponents and opponents of the measure, as well as experts not
19 affiliated with the proponents or opponents of the measure to analyze
20 impacts of the measure and answer questions. The hearings must be
21 open to the public.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.72
23 RCW to read as follows:

24 (1) Each citizen panel shall prepare and submit to the secretary
25 of state no later than August 10, 2016, four statements of no more
26 than two hundred fifty words each as follows:

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

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

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

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

35 (2) The secretary of state shall prescribe the manner of
36 placement of the statements submitted by the citizen panels to be
37 printed in the voters' pamphlet. The statements prepared by each
38 panel may not exceed more than one page in the voters' pamphlet for
39 each initiative and must be clearly differentiated from other

1 arguments or statements about the initiatives in the voters'
2 pamphlet. The secretary of state must include at the beginning of the
3 citizen panels' statements a brief description of the citizen panel
4 process and the following explanation:

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

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

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

22 The voters' pamphlet must provide the following information for
23 each statewide issue on the ballot except measures for an advisory
24 vote of the people whose requirements are provided in subsection
25 (~~((11))~~) (12) of this section:

- 26 (1) The legal identification of the measure by serial designation
27 or number;
- 28 (2) The official ballot title of the measure;
- 29 (3) A statement prepared by the attorney general explaining the
30 law as it presently exists;
- 31 (4) A statement prepared by the attorney general explaining the
32 effect of the proposed measure if it becomes law;
- 33 (5) The fiscal impact statement prepared under RCW 29A.72.025;
- 34 (6) The statements submitted by the citizens' initiative review
35 panels pursuant to section 4 of this act;
- 36 (7) The total number of votes cast for and against the measure in
37 the senate and house of representatives, if the measure has been
38 passed by the legislature;

1 ~~((7))~~ (8) An argument advocating the voters' approval of the
2 measure together with any statement in rebuttal of the opposing
3 argument;

4 ~~((8))~~ (9) An argument advocating the voters' rejection of the
5 measure together with any statement in rebuttal of the opposing
6 argument;

7 ~~((9))~~ (10) Each argument or rebuttal statement must be followed
8 by the names of the committee members who submitted them, and may be
9 followed by a telephone number that citizens may call to obtain
10 information on the ballot measure;

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

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

27 NEW SECTION. **Sec. 6.** After the 2016 general election, the
28 Washington state institute for public policy shall contract for an
29 evaluation of the effectiveness of the citizen initiative review
30 process. The results of the evaluation must be reported to the
31 appropriate committees of the legislature. To the extent practicable,
32 the institute shall seek a pro bono evaluation by a well-qualified
33 organization. The evaluation must determine the effectiveness of the
34 pilot citizens' initiative review as defined by the criteria used in
35 previous evaluations funded by the national science foundation.

36 NEW SECTION. **Sec. 7.** This act expires July 1, 2017.

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