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HOUSE BILL 1364

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State of Washington                      64th Legislature                      2015 Regular Session

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

Read first time 01/19/15. Referred to Committee on State Government.

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 two-year pilot program for citizens' review  
16 of initiatives.

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 general  
14 election for review by the panel. In selecting the initiatives, the  
15 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 (4) The secretary of state has operational responsibility for the  
22 review panels. The secretary of state must:  
23 (a) Convene and chair the citizen panels selected under section 3  
24 of this act to review the initiatives;  
25 (b) Contract with a facilitator for each citizen panel. A  
26 facilitator must have experience in mediation and training people in  
27 the use of analytical skills for review of complex measures; and  
28 (c) Secure proponents and opponents of the initiative, as well as  
29 experts, to appear before the panel to make presentations and answer  
30 questions from panel members.

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

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

37 (2) The secretary of state shall select citizens for each panel  
38 from a representative sample of anonymous electors, using survey

1 sampling methods that, to the extent practicable, give every elector  
2 a similar chance of being selected.

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

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

9 (b) The elector's voting history; and

10 (c) The elector's age.

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

13 (a) The elector's gender;

14 (b) The elector's ethnicity; and

15 (c) Any other criteria.

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

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

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

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

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

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

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

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

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

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

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

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

25 The voters' pamphlet must provide the following information for  
26 each statewide issue on the ballot except measures for an advisory  
27 vote of the people whose requirements are provided in subsection  
28 (~~((11))~~) (12) of this section:

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

31 (2) The official ballot title of the measure;

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

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

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

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

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

4        ~~((7))~~ (8) An argument advocating the voters' approval of the  
5 measure together with any statement in rebuttal of the opposing  
6 argument;

7        ~~((8))~~ (9) An argument advocating the voters' rejection of the  
8 measure together with any statement in rebuttal of the opposing  
9 argument;

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

14       ~~((10))~~ (11) The full text of the measure;

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

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

1        NEW SECTION.    **Sec. 7.**    This act expires July 1, 2018.

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