
SENATE BILL 5250

State of Washington

67th Legislature

2021 Regular Session

By Senators Hunt, Das, Dhingra, Frockt, Hasegawa, Kuderer, Lovelett, Rivers, Saldaña, Stanford, and Wilson, C.

Read first time 01/18/21. Referred to Committee on State Government & Elections.

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 voters' pamphlet. Citizen initiative review panels established in
13 other states have proven to be a useful tool for voters to gain
14 important objective information about initiatives and increase public
15 confidence in both the initiative process and their understanding of
16 the proposed measures. Therefore, the legislature proposes to
17 establish a pilot program for a citizens' review of initiatives for
18 2022.

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

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

3 (2) The committee shall have 12 members selected as follows:

4 (a) Two members selected by leadership of the major political
5 parties of the senate;

6 (b) Two members selected by leadership of the major political
7 parties of the house of representatives;

8 (c) Two members selected by the governor, one of whom must be an
9 expert in deliberative democracy;

10 (d) One member selected by the director of the office of equity;

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

14 (f) The secretary of state.

15 (3) The committee shall review the work of the citizens'
16 initiative review panels to determine compliance with legislative
17 intent.

18 (4) In the interest of transparency, the committee shall:

19 (a) No later than June 1, 2022, develop a committee website that
20 features general information, meeting information, a searchable
21 archive of all documents, and a means for public comment to reach the
22 committee;

23 (b) Publish reports that include information about experts who
24 spoke to each citizen panel and any materials used during panel
25 deliberations. Reports must be provided in all languages required for
26 voting materials under the federal voting rights act of 1965, 52
27 U.S.C. Sec. 10503;

28 (c) Disclose all documents created or received by the committee
29 on the website as public record;

30 (d) Provide 20 days' notice for any meeting held. Notice must be
31 posted on the committee's website and published in appropriate local
32 news sources and social media accounts. Notice must be provided in
33 all languages required under the federal voting rights act of 1965,
34 52 U.S.C. Sec. 10503;

35 (e) Provide online live streaming access and archive the
36 recordings of meetings on the committee's website;

37 (f) Ensure that all meeting facilities are accessible to the
38 greatest extent possible under the Americans with disabilities act
39 and state laws; and

1 (g) Provide an explanation of the citizen panelist selection
2 process on the committee's website as soon as practical.

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

5 (1) The Washington state institute for public policy shall
6 administer the citizens' initiative review process under section 2(3)
7 of this act.

8 (2) Beginning no earlier than February 2022, the institute shall
9 begin the process of selecting the members of the citizen panels. The
10 institute may contract out the selection process. Each panel must
11 have not fewer than 18 and not more than 20 members.

12 (a) The institute shall work with the secretary of state to
13 select citizens for each panel from a representative sample of
14 anonymous electors, using survey sampling methods that, to the extent
15 practicable, give every elector a similar chance of being selected.
16 To the extent practicable and legally permissible, the demographic
17 makeup of each panel must fairly reflect the population of the
18 electorate of this state as a whole, with respect to the following
19 characteristics:

20 (i) The location of the elector's residence;

21 (ii) The elector's voting history;

22 (iii) The elector's age, race and ethnicity, political ideology,
23 income, social and economic status, educational attainment, and
24 gender; and

25 (iv) Other criteria as needed.

26 (b) Panel members must be reimbursed for subsistence and travel
27 expenses in accordance with RCW 43.03.050 and 43.03.060. Panel
28 members must receive a stipend in the amount provided for service as
29 a class five group member under RCW 43.03.265 for each day serving on
30 the panel.

31 (3) An employer may not dismiss or punish in any way an employee
32 who participates as a member of a citizen panel.

33 (4) No later than May 1, 2022, the committee shall enter into a
34 written agreement with a nonpartisan organization with expertise in
35 nonpartisan public deliberation to conduct the citizens' initiative
36 review. The agreement shall include, but is not limited to, the
37 following conditions:

38 (a) Each citizens' initiative review panel shall be facilitated
39 by two facilitators, one for each citizen panel. A facilitator must

1 have experience in mediation and training people in the use of
2 analytical skills for review of complex measures. The organization
3 shall secure proponents and opponents of the initiative, as well as
4 experts, to appear before the panels to make presentations and answer
5 questions from panel members.

6 (b) The organization shall promptly convene the citizen panels
7 for up to four consecutive days and not less than 25 hours. The
8 facilitators shall chair the panels. Each panel shall conduct public
9 hearings in which the panel receives testimony or other information
10 from proponents and opponents of the measure, as well as experts not
11 affiliated with the proponents or opponents of the measure to analyze
12 impacts of the measure and answer questions. The hearings must be
13 open to the public.

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

16 (1) Each citizen panel shall prepare and submit to the secretary
17 of state no later than August 10, 2022, a statement, written solely
18 by, and solely containing the views of, the citizen panel, to
19 include:

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

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

24 (c) Five statements opposing the measure as determined by a
25 majority of the panel.

26 (2) The secretary of state shall prescribe the manner of
27 placement of the statements submitted by the citizen panels to be
28 printed in the voters' pamphlet. The statements prepared by each
29 panel may not exceed more than one page in the voters' pamphlet for
30 each initiative and must be clearly differentiated from other
31 arguments or statements about the initiatives in the voters'
32 pamphlet. The secretary of state must include at the beginning of the
33 citizen panels' statements a brief description of the citizen panel
34 process and the following explanation:

35 "The opinions expressed in this statement are those of the
36 members of a citizen panel and were developed through the citizen
37 review process and are not official opinions or positions
38 endorsed by the State of Washington or any government agency. A

1 citizen panel is not a judge of the constitutionality or legality
2 of any ballot measure, and any statements about such matters are
3 not binding on a court of law."

4 **Sec. 5.** RCW 29A.32.070 and 2016 c 83 s 1 are each amended to
5 read as follows:

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

13 The secretary of state's name may not appear in the voters'
14 pamphlet in his or her official capacity if the secretary is a
15 candidate for office during the same year. His or her name may only
16 be included as part of the information normally included for
17 candidates.

18 The voters' pamphlet must provide the following information for
19 each statewide issue on the ballot except measures for an advisory
20 vote of the people whose requirements are provided in subsection
21 (~~((11))~~) (12) of this section:

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

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

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

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

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

30 (6) The statements submitted by the citizens' initiative review
31 panels pursuant to section 4 of this act;

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

35 (~~((7))~~) (8) An argument advocating the voters' approval of the
36 measure together with any statement in rebuttal of the opposing
37 argument;

1 ~~((8))~~ (9) An argument advocating the voters' rejection of the
2 measure together with any statement in rebuttal of the opposing
3 argument;

4 ~~((9))~~ (10) Each argument or rebuttal statement must be followed
5 by the names of the committee members who submitted them, and may be
6 followed by a telephone number that citizens may call to obtain
7 information on the ballot measure;

8 ~~((10))~~ (11) The full text of the measure;

9 ~~((11))~~ (12) Two pages shall be provided in the general election
10 voters' pamphlet for each measure for an advisory vote of the people
11 under RCW 43.135.041 and shall consist of the serial number assigned
12 by the secretary of state under RCW 29A.72.040, the short description
13 formulated by the attorney general under RCW 29A.72.283, the tax
14 increase's most up-to-date ten-year cost projection, including a
15 year-by-year breakdown, by the office of financial management under
16 RCW 43.135.031, and the names of the legislators, and their contact
17 information, and how they voted on the increase upon final passage so
18 they can provide information to, and answer questions from, the
19 public. For the purposes of this subsection, "names of legislators,
20 and their contact information" includes each legislator's position
21 (senator or representative), first name, last name, party affiliation
22 (for example, Democrat or Republican), city or town they live in,
23 office phone number, and office email address.

24 NEW SECTION. **Sec. 6.** After the 2022 general election, the
25 Washington state institute for public policy shall contract for an
26 evaluation of the effectiveness of the citizens' initiative review
27 process. The results of the evaluation must be reported to the
28 appropriate committees of the legislature. To the extent practicable,
29 the institute shall seek a pro bono evaluation by a well-qualified
30 organization. The evaluation must determine the effectiveness of the
31 pilot citizens' initiative review process as defined by the criteria
32 used in previous evaluations funded by the national science
33 foundation.

34 NEW SECTION. **Sec. 7.** This act expires July 1, 2023.

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