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HOUSE JOINT RESOLUTION 4204

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Kagi, Magendanz, Carlyle, Muri, Springer, S. Hunt, Clibborn, Stambaugh, Schmick, Buys, Fagan, Walsh, Senn, Smith, Hurst, Stokesbary, Wylie, Appleton, Tharinger, Farrell, Moscoso, and McBride

Read first time 01/26/15. Referred to Committee on State Government.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the  
4 secretary of state shall submit to the qualified voters of the state  
5 for their approval and ratification, or rejection, an amendment to  
6 Article II, section 1 of the Constitution of the state of Washington  
7 to read as follows:

8 Article II, section 1. The legislative authority of the state of  
9 Washington shall be vested in the legislature, consisting of a senate  
10 and house of representatives, which shall be called the legislature  
11 of the state of Washington, but the people reserve to themselves the  
12 power to propose bills, laws, and to enact or reject the same at the  
13 polls, independent of the legislature, and also reserve power, at  
14 their own option, to approve or reject at the polls any act, item,  
15 section, or part of any bill, act, or law passed by the legislature.

16 (a) Initiative: The first power reserved by the people is the  
17 initiative. Every such petition shall include the full text of the  
18 measure so proposed. In the case of initiatives to the legislature  
19 and initiatives to the people, the number of valid signatures of  
20 legal voters required shall be equal to eight percent of the votes  
21 cast for the office of governor at the last gubernatorial election  
22 preceding the initial filing of the text of the initiative measure

1 with the secretary of state. The secretary of state shall not accept  
2 for filing an initiative measure if, on the advice of the attorney  
3 general, the secretary of state determines, within twenty days of the  
4 issuance of a final ballot title for the measure, that the measure  
5 will result in state expenditures that are not in compliance with any  
6 statutory state balanced budget requirement in effect on the date  
7 that the initiative is filed: PROVIDED, That this provision shall not  
8 preclude the filing of an initiative measure to repeal or amend an  
9 increase in a state tax if the measure is filed within one year  
10 following the enactment of the increase.

11 Initiative petitions shall be filed with the secretary of state  
12 not less than four months before the election at which they are to be  
13 voted upon, or not less than ten days before any regular session of  
14 the legislature. If filed at least four months before the election at  
15 which they are to be voted upon, he shall submit the same to the vote  
16 of the people at the said election. If such petitions are filed not  
17 less than ten days before any regular session of the legislature, he  
18 shall certify the results within forty days of the filing. If  
19 certification is not complete by the date that the legislature  
20 convenes, he shall provisionally certify the measure pending final  
21 certification of the measure. Such initiative measures, whether  
22 certified or provisionally certified, shall take precedence over all  
23 other measures in the legislature except appropriation bills and  
24 shall be either enacted or rejected without change or amendment by  
25 the legislature before the end of such regular session. If any such  
26 initiative measures shall be enacted by the legislature it shall be  
27 subject to the referendum petition, or it may be enacted and referred  
28 by the legislature to the people for approval or rejection at the  
29 next regular election. If it is rejected or if no action is taken  
30 upon it by the legislature before the end of such regular session,  
31 the secretary of state shall submit it to the people for approval or  
32 rejection at the next ensuing regular general election. The  
33 legislature may reject any measure so proposed by initiative petition  
34 and propose a different one dealing with the same subject, and in  
35 such event both measures shall be submitted by the secretary of state  
36 to the people for approval or rejection at the next ensuing regular  
37 general election. When conflicting measures are submitted to the  
38 people the ballots shall be so printed that a voter can express  
39 separately by making one cross (X) for each, two preferences, first,  
40 as between either measure and neither, and secondly, as between one

1 and the other. If the majority of those voting on the first issue is  
2 for neither, both fail, but in that case the votes on the second  
3 issue shall nevertheless be carefully counted and made public. If a  
4 majority voting on the first issue is for either, then the measure  
5 receiving a majority of the votes on the second issue shall be law.

6 (b) Referendum. The second power reserved by the people is the  
7 referendum, and it may be ordered on any act, bill, law, or any part  
8 thereof passed by the legislature, except such laws as may be  
9 necessary for the immediate preservation of the public peace, health  
10 or safety, support of the state government and its existing public  
11 institutions, either by petition signed by the required percentage of  
12 the legal voters, or by the legislature as other bills are enacted:  
13 *Provided*, That the legislature may not order a referendum on any  
14 initiative measure enacted by the legislature under the foregoing  
15 subsection (a). The number of valid signatures of registered voters  
16 required on a petition for referendum of an act of the legislature or  
17 any part thereof, shall be equal to or exceeding four percent of the  
18 votes cast for the office of governor at the last gubernatorial  
19 election preceding the filing of the text of the referendum measure  
20 with the secretary of state.

21 (c) No act, law, or bill subject to referendum shall take effect  
22 until ninety days after the adjournment of the session at which it  
23 was enacted. No act, law, or bill approved by a majority of the  
24 electors voting thereon shall be amended or repealed by the  
25 legislature within a period of two years following such enactment:  
26 *Provided*, That any such act, law, or bill may be amended within two  
27 years after such enactment at any regular or special session of the  
28 legislature by a vote of two-thirds of all the members elected to  
29 each house with full compliance with section 12, Article III, of the  
30 Washington Constitution, and no amendatory law adopted in accordance  
31 with this provision shall be subject to referendum. But such  
32 enactment may be amended or repealed at any general regular or  
33 special election by direct vote of the people thereon.

34 (d) The filing of a referendum petition against one or more  
35 items, sections, or parts of any act, law, or bill shall not delay  
36 the remainder of the measure from becoming operative. Referendum  
37 petitions against measures passed by the legislature shall be filed  
38 with the secretary of state not later than ninety days after the  
39 final adjournment of the session of the legislature which passed the  
40 measure on which the referendum is demanded. The veto power of the

1 governor shall not extend to measures initiated by or referred to the  
2 people. All elections on measures referred to the people of the state  
3 shall be had at the next succeeding regular general election  
4 following the filing of the measure with the secretary of state,  
5 except when the legislature shall order a special election. Any  
6 measure initiated by the people or referred to the people as herein  
7 provided shall take effect and become the law if it is approved by a  
8 majority of the votes cast thereon: *Provided*, That the vote cast upon  
9 such question or measure shall equal one-third of the total votes  
10 cast at such election and not otherwise. Such measure shall be in  
11 operation on and after the thirtieth day after the election at which  
12 it is approved. The style of all bills proposed by initiative  
13 petition shall be: "Be it enacted by the people of the State of  
14 Washington." This section shall not be construed to deprive any  
15 member of the legislature of the right to introduce any measure. All  
16 such petitions shall be filed with the secretary of state, who shall  
17 be guided by the general laws in submitting the same to the people  
18 until additional legislation shall especially provide therefor. This  
19 section is self-executing, but legislation may be enacted especially  
20 to facilitate its operation.

21 (e) The legislature shall provide methods of publicity of all  
22 laws or parts of laws, and amendments to the Constitution referred to  
23 the people with arguments for and against the laws and amendments so  
24 referred. The secretary of state shall send one copy of the  
25 publication to each individual place of residence in the state and  
26 shall make such additional distribution as he shall determine  
27 necessary to reasonably assure that each voter will have an  
28 opportunity to study the measures prior to election.

29 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
30 notice of this constitutional amendment to be published at least four  
31 times during the four weeks next preceding the election in every  
32 legal newspaper in the state.

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