
HOUSE JOINT RESOLUTION 4205

State of Washington **61st Legislature** **2009 Regular Session**

By Representatives Bailey, Chandler, Ross, Schmick, Alexander, Dammeier, Anderson, McCune, and Kristiansen

Read first time 01/30/09. Referred to Committee on State Government & Tribal Affairs.

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 to
7 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 of
11 the state of Washington, but the people reserve to themselves the power
12 to propose bills, laws, and to enact or reject the same at the polls,
13 independent of the legislature, and also reserve power, at their own
14 option, to approve or reject at the polls any act, item, section, or
15 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 and
19 initiatives to the people, the number of valid signatures of legal

1 voters required shall be equal to eight percent of the votes cast for
2 the office of governor at the last gubernatorial election preceding the
3 initial filing of the text of the initiative measure with the secretary
4 of state.

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

1 first issue is for either, then the measure receiving a majority of the
2 votes on the second issue shall be law.

3 (b) Referendum. The second power reserved by the people is the
4 referendum(~~(, and)~~). It may be ordered on any act, bill, law, or any
5 part thereof passed by the legislature, except such laws approved by an
6 affirmative vote of sixty percent of the members of each house of the
7 legislature as ((may be)) necessary for the immediate preservation of
8 the public peace, health or safety, support of the state government and
9 its existing public institutions, either by petition signed by the
10 required percentage of the legal voters, or by the legislature as other
11 bills are enacted: Provided, That the legislature may not order a
12 referendum on any initiative measure enacted by the legislature under
13 the foregoing subsection (a). The number of valid signatures of
14 registered voters required on a petition for referendum of an act of
15 the legislature or any part thereof, shall be equal to or exceeding
16 four percent of the votes cast for the office of governor at the last
17 gubernatorial election preceding the filing of the text of the
18 referendum measure with the secretary of state. An appropriations bill
19 authorizing expenditures for operating, capital, or transportation
20 purposes and imposing any requirements, conditions, or limitations on
21 such expenditures contained therein is exempt from the sixty percent
22 voting requirement of this section.

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

36 (d) The filing of a referendum petition against one or more items,
37 sections, or parts of any act, law, or bill shall not delay the
38 remainder of the measure from becoming operative. Referendum petitions

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

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

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

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