

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The certificate of review filed with the Secretary of State under RCW 29A.72.020 was not issued for the subject matter of this document.

### **INITIATIVE 903**

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 903 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to protecting the initiative and referendum process; adding new sections to chapter 29A.72 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

### **POLICIES AND PURPOSES**

NEW SECTION. **Sec. 1.** The citizens' initiative process must be protected from the perpetual efforts of politicians to sabotage it. As guaranteed by the Washington state constitution: "The first power reserved by the people is the initiative." The right of the people to petition and legislate through the initiative and referendum process is a fundamental right protected by the Washington state constitution. Laws and regulations adopted regarding the initiative and referendum process shall be construed to facilitate the initiative and referendum process. In any legal challenge, laws or regulations regarding the initiative or referendum process shall be reviewed with a legal standard of strict scrutiny by the courts to ensure protection of the citizens' rights to the initiative and referendum process. This measure would prohibit laws that change the initiative process from taking effect until approved by a majority of voters at a general election, nullify non-voter approved laws changing the process adopted

after January 1, 2005, and provide judicial review of legislation subject to referendum. The Legislature's ongoing assault against the citizens' initiative process, if successful, will stop the citizens' right to vote on conservative, liberal, and nonpartisan measures in the future. The Legislature's reckless, arbitrary, and capricious overuse of the emergency clause by attaching it to non-emergency legislation has seriously impaired the citizens' right to referendum. Citizens want politicians to keep their hands off the people's initiative. The people find that the existing checks and balances on the citizens' initiative process are more than adequate; the number of signatures necessary to qualify for the ballot is high and no proposed initiative or referendum takes effect without first being approved by a majority of voters. The people further find that state and local government politicians and bureaucrats are hostile to the citizens' participation in the political process by initiative and referendum. As such, any legislative change, even one that may seem minor, must be viewed with extreme skepticism and must not take effect until approved by a majority of voters at a general election.

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

Any law that changes the initiative or referendum process shall not take effect until approved by a majority of voters at a general election.

(1) For the purposes of this section, "law that changes the initiative or referendum process" includes, but is not limited to, any law by state or any local government that:

(a) changes the percentage of signatures necessary to qualify for the ballot;

(b) changes the requirements for petitions, including changing petition size, requiring witnesses or affidavits for signing petitions, and changing the quantity of signatures per petition;

(c) changes the requirements for petitioners, including limiting participation based on residency, age, and voter status;

(d) changes the method of payment to petitioners compensated for their service;

(e) changes the procedure for validating or invalidating signatures;

(f) requires majority voter approval within certain jurisdictions affected by an initiative in order for the initiative to be valid; and

(g) changes the availability or access to public and private locations to allow petitioning.

(2) This section does not affect any governmental law or regulation required by the Washington state constitution.

(3) This section applies to the initiative process and the referendum process at the state and local level.

(4) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the section shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

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

Any law that changes the initiative or referendum process adopted after January 1, 2005 shall be null, void, and of no effect unless approved by a majority of voters at a general election.

(1) For the purposes of this section, "law that changes the initiative or referendum process" includes, but is not limited to, any law by state or any local government that:

(a) changes the percentage of signatures necessary to qualify for the ballot;

(b) changes the requirements for petitions, including changing petition size, requiring witnesses or affidavits for signing petitions, and changing the quantity of signatures per petition;

(c) changes the requirements for petitioners, including limiting participation based on residency, age, and voter status;

(d) changes the method of payment to petitioners compensated for their service;

(e) changes the procedure for validating or invalidating signatures;

(f) requires majority voter approval within certain jurisdictions affected by an initiative in order for the initiative to be valid; and

(g) changes the availability or access to public and private locations to allow petitioning.

(2) This section does not affect any governmental law or regulation required by the Washington state constitution.

(3) This section applies to the initiative process and the referendum process at the state and local level.

(4) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the section shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

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

Any emergency clause attached to legislation by the legislature shall be subject to expedited judicial challenge to ensure compliance with the letter and the spirit of the Washington state Constitution, Article 2, section 1.

(1) As required by the Washington state Constitution, an emergency clause is defined as "laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the state government and its existing public institutions" pursuant to the Washington state Constitution, Article 2, section 1.

(2) The legislature's use of emergency clauses on legislation is a restriction on the people's fundamental right to referendum. Such restrictions must serve a compelling governmental purpose and in any legal challenge, the courts shall review emergency clauses with a legal standard of strict scrutiny of the emergency clause to ensure the protection of the rights of citizens to the referendum process. Absent specific findings of fact by the legislature demonstrating a compelling governmental purpose for an emergency clause on such legislation, the clause is automatically void without judicial inquiry into the governmental purpose and the people shall have a right to referenda on such legislation.

(3) Any person, after the legislation is enacted or after the effective date of the legislation, may file an appeal of an emergency clause on the legislation to the superior court of Thurston county by

petition setting forth the legislation, and their objections to the emergency clause and requesting amendment of the legislation to remove the emergency clause by the court. The court shall determine whether the emergency clause serves a compelling governmental purpose and is therefore a legitimate exercise of the emergency power.

(4) A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon both houses of the legislature, the code revisor, and upon the attorney general. Upon the filing of the petition on appeal or at the time to which the hearing may be adjourned by consent of the appellant, the court shall accord first priority to examining the legislation and emergency clause, and the objections, and may hear arguments, and shall, within five days, render its decision and file with the code revisor a certified copy of amended legislation. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party. Appeals pursuant to this section shall include appeals on legislation enacted after January 1, 2005.

(5) Consistent with this section requiring laws to be construed to facilitate the initiative and referendum process, if a referendum is filed on legislation with a contested emergency clause, state officers and agencies shall proceed with processing the referendum pursuant to RCW 29A.72 pending the outcome of the emergency clause appeal.

NEW SECTION.     **Sec. 5.**     The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act. Laws and regulations adopted regarding the initiative and referendum process shall be construed to facilitate the initiative and referendum process. In any legal challenge, laws or regulations regarding the initiative or referendum process shall be reviewed with a legal standard of strict scrutiny by the courts.

NEW SECTION.     **Sec. 6.**     If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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