

# INITIATIVE MEASURE NO. 1026

Filed

MAR 24 2008

SECRETARY OF STATE

AN ACT Relating to the powers of initiative and referendum reserved by the people; amending RCW 29A.72.100, 29A.72.110, 29A.72.120, 29A.72.130, 29A.24.101, and 29A.56.160; adding new sections to chapter 29A.72 RCW; and repealing RCW 29A.72.140.

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

NEW SECTION. **Sec. 1.** We, the people of the state of Washington, find that arbitrary and archaic limits and restrictions have been imposed on the powers of initiative and referendum reserved to the people by the state Constitution.

NEW SECTION. **Sec. 2.** Regulation of the powers of initiative and referendum shall be restricted to requirements enumerated in the self-executing powers of Article II, section 1 of the state Constitution and limited to facilitating its operation. No regulation shall limit, hinder, or restrict the freedom to distribute, circulate, and collect petitions.

NEW SECTION. **Sec. 3.** Signatures of all legal voters shall be held valid on any petition without regard to any other deficiency or finding.

NEW SECTION. **Sec. 4.** The right, as reserved to the people by the state Constitution, to exercise the power of referendum at their own option, to approve or reject at the polls any act, item, section or part of any bill, act, or law passed by the legislature shall not be limited or hindered unless immediately preceding the bill's final passage by each house of the legislature a vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house of the legislature, and a two-thirds majority of the members elected to each house of the

legislature be recorded thereon as voting to exempt the bill from referendum by the people, and citing the specific reason, as defined in Article II, section 1 of the state Constitution, the legislature finds it necessary to exempt the bill from referendum.

NEW SECTION. **Sec. 5.** Any bill, act, or law proposed by the legislature which may limit or hinder the right, as reserved to the people by the state Constitution, to exercise the power of referendum at their own option, to approve or reject at the polls any act, item, section or part of any bill, act, or law passed by the legislature shall require a two-thirds majority of the members elected to each house of the legislature voting for and against the same be entered on the journal of each house of the legislature.

**Sec. 6.** RCW 29A.72.100 and 2003 c 111 s 1811 are each amended to read as follows:

~~((The person proposing the measure shall print blank))~~ Petitions ~~((upon))~~ shall be printed on single sheets of paper of good writing quality (including but not limited to newsprint) not less than ~~((eleven inches in width and not less than fourteen inches in length. Each petition at the time of circulating, signing, and filing with the secretary of state must consist of not more than one sheet))~~ letter size (eight and one-half by eleven inches), with numbered lines for ~~((not more than twenty))~~ signatures, with the prescribed ~~((warning and))~~ title, be in the form required by RCW 29A.72.110, 29A.72.120, or 29A.72.130, and have a ~~((readable,))~~ full ~~((, true, and correct))~~ copy of the proposed measure ~~((printed on the reverse side of the petition))~~.

**Sec. 7.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to read as follows:

Petitions for proposing measures for submission to the legislature at its next regular session must be substantially in the following form:

~~((The warning prescribed by RCW 29A.72.140; followed by:))~~

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

~~((To the Honorable . . . . ., Secretary of State of the State of Washington:))~~

~~We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. . . . and entitled (here set forth the established ballot title of the measure), a full, true, and correct copy of which is printed on the reverse side of this petition, be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.~~

~~The following declaration must be printed on the reverse side of the petition:~~

~~I, . . . , swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.~~

~~RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law)) The undersigned hereby endorse Initiative Measure No. . . . and entitled (here set forth the established ballot title of the measure), and each person declares under penalty of law the following: I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.~~

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

**Sec. 8.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to read as follows:

Petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election must be substantially in the following form:

~~((The warning prescribed by RCW 29A.72.140, followed by:))~~

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

~~((To the Honorable . . . . ., Secretary of State of the State of Washington:~~

~~— We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No. . . . ., entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the . . . . . day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.~~

~~— The following declaration must be printed on the reverse side of the petition:~~

~~— I, . . . . ., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.~~

~~— RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under~~

law)) The undersigned hereby endorse Initiative Measure No. . . . and entitled (here set forth the established ballot title of the measure), and each person declares under penalty of law the following: I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

**Sec. 9.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to read as follows:

Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, must be substantially in the following form:

~~((The warning prescribed by RCW 29A.72.140, followed by:))~~

PETITION FOR REFERENDUM

~~((To the Honorable . . . . ., Secretary of State of the State of Washington:~~

~~— We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No. . . . ., filed to revoke a (or part or parts of a) bill that (concise statement required by RCW 29A.36.071) and that was passed by the . . . . . legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the . . . . day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.~~

~~— The following declaration must be printed on the reverse side of the petition:~~

~~— I, . . . . ., swear or affirm under penalty of law~~

~~that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.~~

~~RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law))~~ The undersigned hereby endorse Referendum Measure No. . . . and entitled (here set forth the established ballot title of the measure), and each person declares under penalty of law the following: I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

**Sec. 10.** RCW 29A.24.101 and 2006 c 206 s 4 are each amended to read as follows:

(1) The filing fee petition authorized by RCW 29A.24.091 must be printed on sheets of uniform color and size, must include a place for each individual to sign and print his or her name and the address, city, and county at which he or she is registered to vote, and must contain no more than twenty numbered lines.

(2) For candidates for nonpartisan office and candidates of a major political party for partisan office, the filing fee petition must be in substantially the following form:

~~((The warning prescribed by RCW 29A.72.140, followed by:))~~

We, the undersigned registered voters of        (the state of Washington or the political subdivision for which the nomination is made)       , hereby petition that the name of        (candidate's name)        be printed on the official primary ballot for the office of        (insert

name of office)\_\_\_\_\_.

(3) For independent candidates and candidates of a minor political party for partisan office, the filing fee petition must be in substantially the following form:

~~((The warning prescribed by RCW 29A.72.140; followed by))~~

We, the undersigned registered voters of \_\_\_\_\_ (the state of Washington or the political subdivision for which the nomination is made) \_\_\_\_\_, hereby petition that the name of \_\_\_\_\_ (candidate's name) \_\_\_\_\_ be printed on the official general election ballot for the office of \_\_\_\_\_ (insert name of office) \_\_\_\_\_.

**Sec. 11.** RCW 29A.56.160 and 2003 c 111 s 1412 are each amended to read as follows:

Recall petitions ~~((must))~~ shall be printed on single sheets of paper of good writing quality (including but not limited to newsprint) not less than ~~((eleven inches in width and not less than fourteen inches in length))~~ letter size (eight and one-half by eleven inches).

No petition may be circulated or signed prior to the first day of the one hundred eighty or two hundred seventy day period established by RCW 29A.56.150 for that recall petition. The petitions must be substantially in the following form:

~~((The warning prescribed by RCW 29A.72.140; followed by:))~~

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We, the undersigned citizens and legal voters of (the state of Washington or the political subdivision in which the recall is to be held), respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he or she holds) be recalled and discharged from his or her office, for and on account of (his or her having committed the act or acts of malfeasance or misfeasance while in office, or having violated his or her oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself or herself says: I have personally signed this

petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated, and to my knowledge, have signed this petition only once.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

NEW SECTION. **Sec. 12.** Regulations specific to people engaged in the circulation of initiative and referendum petitions are prohibited.

NEW SECTION. **Sec. 13.** Regulations specific to businesses engaged in the circulation and collection of signatures of initiative and referendum petitions are prohibited.

NEW SECTION. **Sec. 14.** Challenge or conflict that arises from any provision of this act shall be remedied by reversion to the self-executing provisions of the state Constitution regarding initiative and referendum as established by Article II, section 1 of the state Constitution.

NEW SECTION. **Sec. 15.** 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.

NEW SECTION. **Sec. 16.** This act may be known and cited as the restoration of the people's power of initiative and referendum act.

NEW SECTION. **Sec. 17.** RCW 29A.72.140 (Warning statement--Further requirements) and 2003 c 111 s 1815 & 1993 c 256 s 5 are each repealed.

NEW SECTION. **Sec. 18.** Sections 1 through 5 and 12 through 16 of this act are each added to chapter 29A.72 RCW.