

Initiative Measure No. 725

filed March 13, 2015

AN ACT Relating to establishing protections for citizens exercising their First Amendment rights by participating in the initiative and referendum process; amending RCW 29A.72.030; adding new sections to chapter 29A.72 RCW; creating new sections; and prescribing penalties.

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

NEW SECTION. Sec. 1. (1) As stated in the Washington state Constitution: “The first power reserved by the people is the initiative.” Article I, section 4 of the Washington state Constitution and the First Amendment to the United States Constitution recognizes the right of the people to petition the government.

(2)(a) While the population of Washington state has grown with each gubernatorial election thus making the number of required signatures for qualification greater, the amount of time to gather signatures has not increased. This has made it next to impossible for grassroots organizations to get an initiative on the ballot; this also makes it so only “big money” can get initiatives on the ballot. The last grassroots initiative was the bear trap, Initiative Measure No. 655. Initiative Measure No. 1183 and 502 are examples of how big money was used in order to get them on the ballot. Our neighbor, Oregon, allows two years for their initiatives.

(b) Since it may take a month to go from filing till the time signatures may be gathered, extending the time to gather ten more months allows for the possibility of nineteen months to gather the signatures required to qualify for the ballot or legislature. This will give grassroots groups the ability once again to get initiatives voted on by Washingtonians

(c) Opponents of ballot measures sometimes try to interfere with the signature gathering process in the final months of the campaign, taking advantage of the limited time for the collection of signatures. Allowing more time for citizens to participate in the signature gathering process will deter such despicable tactics.

(3) Sponsors sometimes file to the People to prepare for a filing to the Legislature, or visa versa, to shorten the time for the code reviser's response. To not show favoritism, the Attorney General's office holds all filings for the maximum five days to return the ballot title, concise statement and ballot summary. A filing that has been previously assigned a ballot title, concise statement and ballot summary needs to be returned in at least three days.

(4) With many sites for petitions set up online, initiatives in Washington must start accepting electronic signatures.

(5) Initiatives that require revenue that don't generate the revenue to implement it are a drain on the state and resources. It must be the responsibility of the sponsor of the initiative to provide how the revenue will be generated.

(6) The people intend to protect the rights provided by these constitutional provisions by:

(a) Protect citizens' right to participate by extending the time for signature gathering on initiatives from ten to twenty months;

(b) Guaranteeing the people's right to vote on initiatives that submit sufficient valid voter signatures;

(c) Changing dates for filing that start or end on a weekend are changed in favor of the initiative, not taken away from the twenty months;

(d) All filings previously assigned a ballot title, concise statement and ballot summary must get the new ballot title, concise statement and ballot summary from the Attorney General's office in at least three days;

(e) The secretary of state board of elections must start accepting electronic signatures by January 2018; and

(f) Initiatives that require revenue must provide the source of revenue to be implemented.

(4) Therefore, the people must strengthen the initiative and referendum process by enacting the changes to the Revised Code of Washington (RCW).

Sec. 2. RCW 29A.72.030 and 2003 c 111 s 1804 are each amended to read as follows:

Initiative measures proposed to be submitted to the people must be filed with the secretary of state within ~~((ten))~~ twenty months prior to the election at which they are to be submitted, and the signature petitions must be filed with the secretary of state not less than four months before the next general statewide election.

Initiative measures proposed to be submitted to the legislature must be filed with the secretary of state within ~~((ten))~~ twenty months prior to the next regular session of the legislature at which they are to be submitted, and the signature petitions must be filed with the secretary of state not less than ten days before such regular session of the legislature.

A referendum measure petition ordering that any act or part of an act passed by the legislature be referred to the people must be filed with the secretary of state within ninety days after the final adjournment of the legislative session

at which the act was passed. It may be submitted at the next general statewide election or at a special election ordered by the legislature.

A proposed initiative or referendum measure may be filed no earlier than the opening of the secretary of state's office for business pursuant to RCW 42.04.060 on the first day filings are permitted, and any initiative or referendum petition must be filed not later than the close of business on the last business day in the specified period for submission of signatures. If a filing deadline falls on a Saturday, the office of the secretary of state must be open for the transaction of business under this section from 8:00 a.m. to 5:00 p.m. on that Saturday.

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

Any state or local initiative for which sufficient valid voter signatures are submitted within the time period required must be submitted to a vote of the people at the next election date. The people are guaranteed the right to vote on any initiative that obtains the required number of valid voter signatures in the required time frame.

Government officials, both elected and unelected, must facilitate and cannot obstruct the processing of any initiative petition and must facilitate and cannot obstruct the public vote of any initiative.

For local initiatives, government officials must, in all circumstances, strictly comply with the requirements of this act for any initiative regardless of its subject matter. The term "local legislative authority" must be construed to include the people via local initiative regardless of the subject matter of the ballot measure. Citizens have just as much right to decide issues with local initiatives as governments do.

This section may not be construed in any way to impede the right to legal review of the sufficiency of valid voter signatures or post-election legal review; however, under no circumstances may an initiative be prohibited from submission to the people for a vote if sufficient valid voter signatures are submitted.

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

When a start date for filing falls on a Saturday, it is changed to the Friday before and the end date changed accordingly. When a start date falls on a Sunday, it is changed to Monday and the end date changed accordingly.

The end date of initiatives to the people falls often on July 4th, and the initiatives to the legislature falls often on January 1st. When the end dates needs to be changed, it is moved out in favor of the initiative. When an end date for filing falls on a Saturday or Sunday, it is moved to Monday.

NEW SECTION. Sec. 5. A new section is added to chapter 29A.72 RCW to read as follows:

The secretary of state board of elections and the attorney general must set up a way for sponsors to indicate when a filing has been previously been assigned a ballot title, concise statement and ballot summary. When the attorney general has a filing that has been previous assigned a ballot title, concise statement and ballot summary, the new one must be returned in at least three business days.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.72 RCW to read as follows:

The secretary of state board of elections shall review the online petitions sites to determine which will be used along with paper petitions for Washington state initiatives by January 2018.

On-line petitions must include the ballot title, concise statement, ballot summary, a link to the .pdf file at the secretary of state board of elections web site, and be approved by the secretary of state board of elections in order to be a valid petition.

Online signatures must have the registered voters name, address, including county and email address. When verifying an electronic signature the secretary of state board of elections must send an email to the voter verifying that they signed the petition. The voter responding "yes" must be sent an email confirmation number for the verified signature. Voters must respond to the email confirmation for verifying the signature no later than fifteen business days to be validated.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.72 RCW to read as follows:

All initiatives that require a revenue to be implemented must have a source for how the revenue shall be generated.

NEW SECTION. Sec. 8. In the event that any sections of this act are in conflict with any other laws codified in the Revised Code of Washington, the provisions of this act shall control.

NEW SECTION. Sec. 9. 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. 10. The attorney general shall vigorously defend this act from all challenges by, yet not limited to, persons, officials, cities, counties, state, or federal governments by all legal means to the fullest extent

possible.

NEW SECTION. **Sec. 11.** **This act** is known and cited as the protect the initiative act.