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## **Resolution in Support of Ballot Initiative and Referendum Reform**

**WHEREAS**, one of the missions of the King County Bar Association is to promote a just and accessible legal system; and

**WHEREAS**, the Washington State Constitution ensures direct participation in the state's democratic process through the ballot initiative and referendum process, recognized as the "first power reserved to the people"; and

**WHEREAS**, since 2012, members of the Association's Public Policy Committee's Referendum and Initiative Project have studied the state's initiative process, met with state and political leaders, and consulted constitutional, legal, and political scholars; and

**WHEREAS**, in its current form, the state's initiative process suffers from numerous problems, including: poorly drafted initiatives later overturned as unconstitutional, increasing domination of the initiative process by corporations and the ultra-wealthy, inaccessibility of the ballot initiative process to grassroots campaigns, frustration of voters and members of the legislature at the impact of initiatives on the state's budget, and misinformation by campaigns concerning the policy and budget impact of initiatives; and

**WHEREAS**, in November 2015, the Referendum and Initiative Project issued a Final Report recommending reforms to the initiative process, including expansion of timelines, improvement to the pre-certification process, adoption of online signatures, creation of a citizen's initiative review process, and other reforms intended to strengthen and streamline the ballot initiative and referendum process; and

**WHEREAS**, the Association's Public Policy Committee forwarded the recommendations of the Referendum and Initiative Project, as set forth in the Final Report, to the KCBA Board of Trustees for consideration; and

**WHEREAS**, the KCBA Board of Trustees has met to discuss the recommendations set forth in the Final Report; and

**WHEREAS**, the KCBA Board of Trustees has previously adopted resolutions supporting initiative reforms, including proposals for a citizen's initiative review process and legislation to address the budget impact of initiatives;

**THEREFORE, BE IT RESOLVED** that the King County Bar Association supports the following ballot initiative and referendum reform principles:

- (1) Provide a means to test the constitutionality of proposed initiatives prior to submission to the voters;
- (2) Create increased access to the initiative process for grassroots campaigns;
- (3) Minimize the negative impact of initiatives on the state budget; and/or
- (4) Increase voter understanding of the policy and budget impact of initiatives.

**BE IT FURTHER RESOLVED** that the King County Bar Association will work to advance and hereby adopts the following recommendations and proposals for reform as proposed by the KCBA Public Policy Committee, as set forth in the Referendum and Initiatives Project's Final Report:

- (1) Reform the Referendum and Initiative Development Process  
In order to limit the passage of initiatives that are later found to be unconstitutional, KCBA recommends a reworking of the initiative pre-ballot certification filing procedure. The KCBA recommends that the initial filing period occur much earlier, so as to allow for a formalized process of public review and potential judicial review prior to the signature gathering stage of the process. The KCBA also recommends passage of a constitutional amendment affecting the budget impact of ballot measures by requiring any ballot measure that would entail a significant outlay of public funds to identify the source of the additional revenue needed and any ballot measure that would significantly decrease tax revenue to identify offsetting programmatic cuts.
- (2) Establish a Citizen Initiative Review  
The KCBA recommends the establishment of a Citizen's Initiative Review (CIR) procedure, based on a model that has proved effective in Oregon. CIR uses the jury as a model in which a group of citizens take time to develop an unbiased evaluation of measures that are scheduled to appear on an upcoming ballot.
- (3) Explore Online/Electronic Signature Gathering  
In order to level the playing field between corporate and institutional initiative proponents and grassroots activists seeking access to the ballot and counter the perception that initiatives are simply a tool of well-financed out-of-state special interests, the KCBA recommends the exploration of an online/electronic signature gathering procedure. This proposal may reduce the cost of signature collection, improve the signature verification process, assist with fraud prevention, and give voters the opportunity to make a more informed decision about the measures they sign.
- (4) Other Proposed Reforms  
The KCBA recommends additional reforms, such as expanding the time limits for gathering signatures and reviewing and revising the initiative pre-certification process, reducing the minimum number of signatures required for sponsors that agree to not use paid signature gatherers, imposing mandatory certifications by signature gathering companies, and improving the financial disclosure statement.