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IMPORTANT NEW STATE ELECTION INFORMATION PAGE 4

# VOTERS PAMPHLET

STATE GENERAL ELECTION • NOVEMBER 5, 1991

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PUBLISHED BY OFFICE OF  
THE SECRETARY OF STATE

*The Bill of  
Rights  
and  
Beyond*

EDITION NUMBER 1 WASHINGTON STATE 1991

## INTRODUCTION TO THE 1991 VOTERS PAMPHLET

On December 15, 1791, the Congress of the United States of America officially certified the adoption of the first ten amendments to our country's new constitution. These amendments, which set forth the specific rights and freedoms reserved to the people and to the states, formed the historic document known as the Bill of Rights.

As we celebrate the 200th anniversary of the adoption of the Bill of Rights, phenomenal changes are taking place in the world around us. In many countries, freedom and democracy are replacing tyranny and oppression. People who have lived all their lives under repressive regimes are now beginning to attain the basic rights which Americans have enjoyed for the past two centuries.

These events serve to underscore and renew our appreciation for the rights and freedoms we possess as citizens of the United States of America. This year, as we celebrate the bicentennial of the Bill of Rights, I hope you will make an effort to learn more about the importance of this remarkable document. The original ten amendments are listed on page 5 of this year's pamphlet; please take a moment to read them. Also, I would urge you to take advantage of the special exhibitions and programs which are being offered in conjunction with the Bill of Rights bicentennial celebration.

Above all, be sure to exercise one of your most fundamental rights — the right to vote. This pamphlet is designed to help you with the voting process and to assist you in making informed decisions on election day. Please make use of it, and please vote on November 5th. Your participation will help preserve and strengthen democracy here in the United States, and it will serve as an example and an inspiration to those who are struggling for democracy in other parts of the world.



RALPH MUNRO  
Secretary of State

**NOTE: Important new election laws take effect next year.  
Please read page 4 thoroughly.**



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## VOTER'S CHECKLIST

	YES	NO
<b>INITIATIVE MEASURE 553</b> Shall there be limitations on terms of office for Governor, Lieutenant Governor, State Legislators, and Washington State members of Congress?	<input type="checkbox"/>	<input type="checkbox"/>
<b>INITIATIVE MEASURE 559</b> Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?	<input type="checkbox"/>	<input type="checkbox"/>
<b>REFERENDUM BILL 42</b> Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?	<input type="checkbox"/>	<input type="checkbox"/>
<b>INITIATIVE MEASURE 119</b> Shall adult patients who are in a medically terminal condition be permitted to request and receive from a physician aid-in-dying?	<input type="checkbox"/>	<input type="checkbox"/>
<b>INITIATIVE MEASURE 120</b> Shall state abortion laws be revised, including declaring a woman's right to choose physician performed abortion prior to fetal viability?	<input type="checkbox"/>	<input type="checkbox"/>
<b>SENATE JOINT RESOLUTION 8203</b> Shall the Constitution be amended to permit an alternative method of drafting county home rule charters for submission to voters?	<input type="checkbox"/>	<input type="checkbox"/>
<b>HOUSE JOINT RESOLUTION 4218</b> Shall each county legislative body establish the number of Superior Court Commissioners and the constitutional limit of three be repealed?	<input type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTITUTE HOUSE JOINT RESOLUTION 4221</b> Shall the Constitution's description of the Superior Court's original jurisdiction be amended by deleting the reference to "cases in equity"?	<input type="checkbox"/>	<input type="checkbox"/>
<b>LOCAL ELECTIONS</b> _____		

**Secretary of State Toll-Free Hotlines**

**1-800-448-4881**

**TDD (Hearing Impaired) 1-800-422-8683**

*Please recycle this Voters Pamphlet!*



# IMPORTANT ELECTION LAW CHANGES

*Please read thoroughly - If you have questions, call the State Voter Information Hotline, 1-800-448-4881.*

In the coming year, citizens of the state of Washington will benefit from two significant additions to the state's laws dealing with elections and voting. One of these additions — a program known as "Motor Voter" — will provide a convenient new system of registering to vote at the state's driver licensing offices. The other will create a Washington State Presidential Preference Primary, giving citizens the ability to cast a direct vote for the nomination of presidential candidates.

## THE 1992 WASHINGTON STATE PRESIDENTIAL PRIMARY

Washington's new presidential primary was created through the passage of Initiative 99, a citizen-sponsored measure signed by more than 200,000 people and approved by the Washington State Legislature. Beginning in 1992, Washington citizens will be able to make their choice regarding the nomination of major party presidential candidates by casting a direct vote, much like they do in other state elections or primaries. Previously, anyone wishing to vote for the nomination of a major party presidential candidate had to attend a precinct caucus meeting conducted by the state Democratic or Republican parties. The presidential preference primary is designed to provide greater participation and a more accurate reflection of public sentiment regarding presidential candidates.

### Timing of the Presidential Primary

Under the provisions of Initiative 99, Washington's presidential primary is to be held on the fourth Tuesday in May of presidential election years, or on a date "selected by the Secretary of State to advance the concept of a regional primary." With that in mind, the Secretary of State has set the date for Washington's first presidential primary for **May 19, 1992** (the third Tuesday in May). The selection of this date, which coincides with the state of Oregon's primary, is a major step in creating a Pacific Northwest Regional Presidential Primary.

### Eligibility to Vote

Any person eligible to vote in a regular primary or election in Washington state — that is, any registered voter — will be eligible to vote in the presidential primary. To be eligible to vote, you must be a citizen of the United States and at least 18 years of age at the time of the primary or election. (**Note:** Under state law, you must be registered at least 30 days prior to an election to vote in that election. This means you must register no later than April 18, 1992, to vote in the presidential primary.)

### Requesting a Party Ballot

Voters are not required to register with a political party to vote in the presidential primary. Initiative 99 only requires that voters make a declaration as to which party ballot they wish to receive and in which political party's presidential primary they wish to participate. This

request will be recorded, but it should not be construed as a political party registration or a declaration of party membership. The party ballot request requirement applies only to the presidential primary; it does not affect the state's regular blanket primary law, which allows voters to alternate between political parties when voting to nominate candidates to the general election ballot. (The ballot request provision was included in the presidential primary law to avoid any potential conflict with the eligibility rules of the national political parties. In recent U.S. Supreme Court decisions, national party rules have been held to override state election laws in certain circumstances, including eligibility to participate in presidential primaries.)

### Ballot Format

Each political party will be assigned a ballot of a particular color. You will be issued a ballot corresponding to your signed request which will list only the candidates of that party. Should you vote for a candidate of a party different from the one you requested, your vote in the presidential primary will not be counted.

### Absentee Ballots

You may vote by absentee ballot in the presidential primary, but your request **must** state which political party ballot you wish to receive. Absentee ballot requests will be available from your county auditor (in King County, the Department of Elections) preceding the presidential primary.

### Precinct Caucuses

The approval of a presidential primary has not eliminated the precinct caucus system; to the contrary, the caucuses continue to play an important role in the state's process of nominating presidential candidates. The caucuses are still the starting point for selecting the delegates who will ultimately attend the national nominating conventions of the major political parties. Under the new system, however, delegates from the state of Washington will be allocated according to the popular vote in the primary, not by a vote in the caucuses. Precinct caucuses also provide an opportunity to determine party platform, to vote on resolutions, and to meet candidates for a variety of offices. (For more information on the caucus and convention system, see page 35).

## "MOTOR VOTER" REGISTRATION

Beginning January 1, 1992, Washington citizens will be able to register to vote through an innovative new program which connects the voter registration process with the state's driver licensing system. This procedure, commonly referred to as "Motor Voter," is designed to provide a quick, convenient method of voter registration for those who are obtaining their Washington state driver's license.

"Motor Voter" registration will be available at each of the 59 Department of Licensing driver licensing examining offices located around the state. When you visit one of these offices to apply for or renew your driver's license, the licensing examiner will ask if you wish to register to vote. If the answer is yes, the examiner will confirm the address information on your license application and ask you to sign a voter registration card affirming that you are a citizen of the United States and that you will be at least eighteen years of age at the next election.

The "Motor Voter" registration process will take only a few minutes of your time, and it will be well worth the effort. The "Motor Voter" system can also be used to transfer your registration if you have moved to a new address, or to update any other information such as a change in name. Remember, you must be registered at least 30 days in advance of an election to vote in that election; while you need only register once, you must be registered for 30 days before you can vote.

In addition to "Motor Voter," there are numerous other ways to register to vote in Washington state. Voter registrars are available in county auditor offices, city halls, schools, libraries, fire stations, and numerous other locations. If you need assistance in locating a voter registrar or registering to vote, contact your county auditor (in King County, the Department of Elections). See page 37 for a list of county auditor addresses and phone numbers.

# *The Bill of Rights*

ADOPTED IN THE YEAR 1791

**ARTICLE I:** "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

**ARTICLE II:** "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

**ARTICLE III:** "No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

**ARTICLE IV:** "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

**ARTICLE V:** "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

**ARTICLE VI:** "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

**ARTICLE VII:** "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

**ARTICLE VIII:** "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

**ARTICLE IX:** "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

**ARTICLE X:** "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."





# INITIATIVE MEASURE 553

TO THE PEOPLE

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 553 begins on page 22.

## Statement for

### Term Limitation Is A Crucial Bi-partisan Government Reform

Vote YES for Initiative 553 for *real* political reform. That's why over a quarter million Democrats, Republicans, and Independents signed this initiative. I-553 will solve a fundamental problem in our political system: the need to limit the number of years a politician can stay in a particular office. *Vote YES on I-553 for necessary government reform!*

### Return Control of OUR Government to the People — Where it Belongs

"Experienced" career politicians, financed by PACs and special interest money, have brought us the S&L scandal, a \$3 trillion national debt and elected officials' excessive pay raises. Term limitation will make it more difficult for lobbyists to maintain their influence with elected officials. Our Founding Fathers envisioned citizen legislators, not career politicians. *Vote YES on I-553 to reduce special interest influence.*

### Reduce the Influence of Lobbyists and Special Interests

Re-election is a politician's top priority. Nothing proves it more than the outrageous growth in campaign spending using PAC and special interest money. We have a system where incumbents, who choose to run, nearly always win - 96% re-elected to Congress in 1990, 96% re-elected to the Washington State Legislature. Excellent candidates are discouraged from running against incumbents. *Vote YES on I-553 to provide opportunities for fair competition.*

## Official Ballot Title:

Shall there be limitations on terms of office for Governor, Lieutenant Governor, State Legislators, and Washington State members of Congress?

## The law as it now exists:

Persons can be candidates for election or re-election for the State Legislature, Governor, Lieutenant Governor, or Congress without any limitation based on prior service. No one is disqualified from seeking those offices for having previously served.

### Term Limitation Is a National Movement

Our President and 31 governors have term limits. Oklahoma, Colorado and California passed term limits in 1990. Term limitation movements are underway in 22 states for 1992. Nationally, incumbency has taken over our political system and voters are staying home. *Vote YES on I-553 to regain meaningful choice at the voting booth, locally and nationally.*

Vote YES on I-553 to assure a responsive citizen legislature.

## Rebuttal of Statement against

Scare tactics and doomsaying are desperate maneuvers by career politicians who don't want to give up their power and perks.

Thomas Jefferson was the original advocate for term limitations because he foresaw the problems associated with the accumulation of power.

I-553 makes our representatives more accountable to us. What's so radical about that? Ask yourself this question. If special interests and bureaucrats will flourish under term limits, why are they so opposed to term limits?

For more information call (206) 475-8650.

### Voters Pamphlet Statement Prepared by:

JACK METCALF, Chair of the Senate Environment & Natural Resources Committee; SHERRY BOCKWINKEL, Independent Businesswoman; PROFESSOR WALLACE M. RUDOLPH, Professor of Constitutional, Legislative & Administrative Law, Puget Sound School of Law.

Advisory Committee: JOHN SONNELAND, Spokane area businessman and professional; DEAN SUGIMOTO, Accountant; SAM ALLRED, Democratic Precinct Chair, Sumner; CHARLES F. GRIGG, President of Griggs Enterprises; PAUL CASEY, Publisher of Matur-ing/The Federal Reporter.

## The effect of Initiative Measure 553, if approved into law:

This initiative declares that no one would be eligible to serve more than two consecutive terms as Governor or Lieutenant Governor.

For state legislative offices, the declared maximum would be ten consecutive years; with no more than three consecutive terms in the House or two consecutive terms in the Senate. Current legislators who have already reached the maximum would be eligible to serve one additional term of office.

For congressional offices, the declared maximum would be twelve consecutive years; with no more than three consecutive terms in the House or two consecutive terms in the Senate. Current members of Congress who have already reached the maximum would be eligible to serve one additional term of office.

## Statement against

- Initiative 553 is a radical effort to reform politics which will do more harm than good.

- Today we can choose which officials to keep and which have been there too long. 553 would take that choice away. Between 1979 and 1989 we turned over 81% of our legislature. Almost a quarter were new in 1991. Washington voters are turning incumbents out *now*. This initiative is a solution to a problem that doesn't exist.

- If 553 passes, we will lose all of our Congressional delegation in 1994. Speaker of the House Tom Foley and past giants such as Scoop Jackson, Dan Evans and Warren Magnuson have protected us against powerful east coast interests. How will newcomers have the clout to protect the electric rates and irrigation rights which underpin our economy? How can we prevent the closure of a Whidbey Island Naval Air Station and keep supertankers out of Puget Sound? Do we want offshore oil drilling? There's too much to lose.

- Without senior members, the Legislature will have less institutional memory, and the influence of professional lobbyists and appointed bureaucrats will increase.

- 553 won't take big money out of campaigns. And it will actually reduce competition. Why run against an incumbent when you can wait for an automatic open seat?

- If 553 passes, we'll lose good people with the bad. And will the new ones be better — or just know less?

For legislative and congressional offices, terms would be considered as consecutive unless they are at least six years apart.

## Rebuttal of Statement for

Term limitation is NOT a national movement. Only one state has done what Initiative 553 would do. Most people recognize that to send newcomers to Congress while other states don't would be to lose the power to protect the regional economy and natural resources.

Initiative 553 will NOT reduce the influence of special interests. We need to take big money out of campaigns. Initiative 553 will not do that.

You should decide who to vote for. Vote no on Initiative 553.

### Voters Pamphlet Statement Prepared by:

MARGARET COLONY, President, League of Women Voters of Washington; ROBERT CLARK, Master, Washington State Grange; NORMAN TURRILL, President, Common Cause of Washington State.

Advisory Committee: DARLENE MADENWALD, President, Washington Environmental Council; GENE PETERSON; NORLEEN KOPONEN, President, Washington State Chapter, National Organization for Women; LARRY KENNEY, President, Washington State Labor Council; MARI CLACK.





# INITIATIVE MEASURE 559

TO THE PEOPLE

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 559 begins on page 22.

## Statement for

Initiative 559 will put common sense and affordability back into our property tax system. In addition, assessments will be stabilized.

Greedy politicians have been riding the real estate market to bigger and bigger budgets, raising taxes as they go. Initiative 559 will stop them.

- Initiative 559 will protect home owners and renters.
- Initiative 559 will limit future assessment increases to 4% annually.
- Initiative 559 will protect both new and long-term home owners.
- Initiative 559 will provide more than adequate funding for schools, parks and social services.

Our current tax structure has forced a 69% increase in property taxes since 1985. Also, the state budget has doubled in the past eight years. It is time to put on the brakes. We should not be taxed out of our homes.

Vote "yes" on Initiative 559 for property tax relief.

## Rebuttal of Statement against

The question boils down to a simple one: Should property taxes be lowered?

It is the opponent's job as a politician to find ways to increase the State revenue. The opponent would like to obscure the fact that the middle class always carries the burden of taxation.

## Official Ballot Title:

Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?

## The law as it now exists:

Real property is valued for tax purposes at its true and fair value without reference to when the particular property was purchased. The Washington Constitution requires that taxes on the same class of property be uniform within a taxing

Property tax payers are supporters of 559. Why? It lowers taxes. There is a constitutional lid of \$10 per mille on the State tax rate.

For more information call: (206) 322-4740.



*Initiative 559 would roll back the recent unfair property tax increases.*

## Voter Pamphlet Statement Prepared by:

MARIJCKE V. CLAPP, Committee For Fair Property Assessment; WYNN CANNON, Committee For Fair Property Assessment; PAM ROACH, State Senator.

Advisory Committee: MIKE HEAVEY, State Representative; SCOTT NOBLE, Valuation Advisor; PAUL SNYDER, Citizen Taxpayer Association; GOVERNOR DIXY LEE RAY.

district, and that all real estate is a single class. The Constitution also limits property taxes to one percent of the true and fair value of property, unless additional taxes are approved by the people.

## The effect of Initiative Measure 559, if approved into law:

This initiative would not change any provisions of the Constitution. The initiative declares a different method will be used to determine the value of real property for tax purposes beginning with taxes to be collected in 1992.

The new determination of assessed value would begin with the 1985 assessed value of the particular property, or the selling price, if sold after January 1, 1985. This value would be adjusted to reflect subsequent additions or removals of property improvements. For taxes to be collected in 1992 that property value would be further adjusted to

reflect the percentage change in the cost of living index between 1985, or the sale date if later, and 1991. Any increase in value based on the cost of living adjustment could not exceed four percent a year nor could it result in a value exceeding the present true and fair value of a particular property.

In subsequent years the assessed property value for tax purposes would be annually adjusted by the formula or if the property is sold then the sale price would become the new assessed value.

## Statement against

### INITIATIVE 559 IS THE WRONG ANSWER FOR WASHINGTON'S PROPERTY TAXPAYERS

#### I-559 WILL SHIFT TAXES

I-559 doesn't lower taxes, it *shifts* them from one taxpayer to another. This means owners of low to moderate-valued properties will subsidize the tax burden of high-valued property owners. Why provide tax relief to those who need it the least — the owners of high-valued property — at the expense of the middle class? This is Robin Hood in reverse!

Under I-559, tax relief for some will mean higher taxes for many others.

#### DON'T BE MISLED; I-559 WILL INCREASE TAXES

Property taxes are calculated by multiplying assessed valuations and tax rates. When valuations go down, tax rates go up. I-559 limits valuation for some, but raises tax rates for all property owners. Even renters will pay more because of property tax increases.

Will you pay less or more? Do you know?

#### I-559 IS UNEQUAL, UNFAIR AND COMPLICATED

Under I-559, identical homes in the same neighborhood will pay vastly unequal taxes. You may pay higher taxes than your neighbors. Is this "fair"?

I-559 doesn't reduce property taxes for senior citizens. In fact, senior citizens may be "trapped" in a larger home since taxes on a smaller, more practical home may be much higher.

I-559 places the heaviest tax burden on first-time homebuyers and growing families entering the real estate market. Are you willing to pass this increased tax burden to your children and grandchildren?

I-559 violates our constitutional requirement that all taxes be applied equally and uniformly.

I-559 will cause uncertainty and confusion. Why have your taxes pay for more bureaucracy and lawsuits instead of funding schools, emergency services and fire protection?

Vote "NO" on I-559.

## Rebuttal of Statement for

No one wants higher taxes! That's why you should oppose I-559!

In King County alone, 64.9% of housing units under \$120,000 will pay higher taxes, while 92.0% of million-dollar homes get a tax break. That's not fair!

It's even more unfair in other counties!

I-559 doesn't lower assessments equally and doesn't lower taxes at all.

Phoney photos? Simple slogans? Don't be misled! Get the facts! Call your county assessor, then vote "NO."

For more information call (206) 357-6896.

## Voters Pamphlet Statement Prepared by:

GLADYS BURNS, People for Fair Taxes; MARGARET COLONY, President, League of Women Voters of Washington; RUBEN MEHL, President, Washington State Council of Senior Citizens.

Advisory Committee: RAY RYAN, President, Washington State Association of County Assessors; DONALD C. BRUNELL, President, Association of Washington Business; LAWRENCE KENNEY, President, Washington State Labor Council, AFL-CIO; CONNIE BOYLE, President, Washington Association of REALTORS; ROBERT CLARK, Master, Washington State Grange.





# REFERENDUM BILL 42

## CHAPTER 54, LAWS OF 1991

**Note:** The explanatory statement was written by the Attorney General as required by law. The ballot title was submitted as part of Referendum Bill 42. The complete text of Referendum Bill 42 begins on page 23.

### Vote cast by the 1991 Legislature on final passage:

House: Yeas, 64; Nays, 34; Absent or not voting, 0.

Senate: Yeas, 44; Nays, 4; Excused, 1; Absent or not voting, 0.

## Statement for

### ENHANCED 9-1-1 SAVES LIVES AND PROPERTY

You are hurt and cannot breathe or speak. Or, a child witnesses an accident or crime. Or, you are in emotional distress and cannot accurately describe your location. Enhanced 9-1-1 could mean the difference between life and death.

### WHAT IS ENHANCED 9-1-1?

With Enhanced 9-1-1, when a call is answered, the caller's location is confidentially displayed on a screen. Help can be sent immediately to the correct location, even when the caller cannot talk, such as a suddenly ill person, or someone terrified by an intruder. Help can be sent even when callers such as children, babysitters, visitors, or distraught relatives or friends of victims, cannot describe their location.

### ENHANCED 9-1-1 SHOULD BE AVAILABLE STATEWIDE

82% of Washington's geographic area does not have Enhanced 9-1-1, including areas where you or your loved ones live, travel or vacation. Referendum 42 would bring 24-hour-a-day, 7-day-a-week emergency answering to all of Washington.

Expanding Enhanced 9-1-1 statewide would cost only 20 cents a month on telephone bills, which would be reduced to 10 cents in 1998. These funds would be pooled to help bring E9-1-1 to areas now without it. Those currently without any 9-1-1 service would establish E9-1-1 through existing local government budgets or by a maximum of an additional 50 cents a month on telephone bills.

## Official Ballot Title:

Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?

## The law as it now exists:

Counties are authorized to provide an emergency service communication system, commonly called a 911 system, for police, fire, medical and other emergency calls. Such a system may at the county's option be available either on a county-wide basis, or for a district within a county. With the

### A FEW CENTS A MONTH COULD SAVE YOUR LIFE

Statewide, we have a huge investment in police, fire and emergency medical services. Enhanced 9-1-1 will speed access to those services, saving more lives and property...thus increasing the effectiveness of these vital services. For only a few cents a month, it's a bargain. *Vote yes!*

## Rebuttal of Statement against

Opponents of Referendum-42 claim it's unnecessary—they should tell you this in an emergency. The fact is geographically 82% of Washington is *not* protected by *Enhanced 911*. *Enhanced 911* will lead to a better response system and *reduce* bureaucracy. Rather than taking away your right to vote, Referendum-42 *provides* you the right to vote to ensure lifesaving assistance for injured children, workers and the elderly. For so few pennies a month, don't leave yourself helpless.

For additional information on Referendum 42 call Citizens for Enhanced 911, (206) 931-8274.

### Voters Pamphlet Statement Prepared by:

KAREN FRASER, State Representative; LEO K. THORSNESS, State Senator; ROBERT J. CLARK, Master, Washington State Grange.

Advisory Committee: MIKE PATRICK, Washington State Council of Police Officers; LAWRENCE KENNEY, Washington State Labor Council; MICHAEL MCGOVERN, Washington State Council of Fire Fighters; EVAN A. IVERSON, Washington Senior Citizens Lobby; DONALD C. BRUNELL, Association of Washington Business.

approval of the voters, the county may impose a tax not exceeding \$.50 per month on the use of telephone access lines to fund the emergency service communication system. The telephone company collects the tax and remits the same to the county.

## The effect of Referendum Bill 42, if approved into law:

All counties would be required, by December 31, 1998, to singly or in combination with adjacent counties implement an emergency service communication system, a 911 system. The system would be for the reporting of police, fire, medical and other emergencies. Such systems would selectively switch the calls to the appropriate public safety answering point which would have the capacity to automatically display the name, address and telephone number of the incoming 911 call. A county tax of \$.50 per switched access line each month, not requiring voter approval, would be collected by

the telephone company and remitted to the county for operating the system.

A statewide emergency communication network, also a 911 system, would be provided. A statewide advisory committee would be created, appointed by the director of the Office of Community Development, and a 911 state coordination office would be established. Commencing on January 1, 1992, there would be a \$.20 per month charge for each switched access line, and thereafter the amount would be set by the Utilities and Transportation Commission in response to a recommendation by the state 911 coordinator. However, such charge could not exceed \$.20 per month, and after December 31, 1998, \$.10 per month. This tax would be collected by the local telephone company and remitted to the state.

## Statement against

### REFERENDUM BILL 42 IS TOTALLY UNNECESSARY

We strongly support 911...but we don't need this referendum. Current law already allows counties to establish 911 services. In fact, 94% of the phone lines in Washington are covered by 911.

For those areas not covered, counties already have the authority to impose a 911 surcharge with voter approval. This tax is limited to six years without subsequent voter approval. Referendum-Bill-42 would remove the six-year limitation and allow the tax to be imposed indefinitely.

Referendum-Bill-42 also creates an additional bureaucracy paid for by a surcharge on your phone. The initial cost to implement Referendum-Bill-42 is an estimated \$16.5 million with an additional \$6 million subsidy every year thereafter. We just don't need more government, more taxes, and less accountability.

### REFERENDUM BILL 42 GIVES EVEN MORE TAXING POWER TO GOVERNMENT

Referendum-Bill-42 repeals laws requiring counties to obtain voter approval before they can impose a tax on phone services. We are again being asked to give up a right to protect ourselves from excessive taxation and make it easier for government to tax us more.

In addition, Referendum-Bill-42 imposes a new statewide tax on every phone line in Washington so users will be hit with two ongoing taxes...a county tax and a state tax.

### REFERENDUM BILL 42 WILL COST EVERYONE, EVEN THE POOR

Referendum-Bill-42 imposes taxes on everyone's telephone line without regard to economic status. Thus, seniors, the poor, and others on fixed incomes will be hit the hardest.

Moreover, Referendum-Bill-42 forces those who have already paid or are paying for their own 911 services to subsidize others who can afford to pay for themselves. This is not fair.

### PLEASE VOTE "NO" ON REFERENDUM BILL 42

## Rebuttal of Statement for

We want to make it very clear. We strongly support 911. But Referendum-Bill-42 wants to tax everyone in the state, including the poor, to subsidize 911 services for others who can easily afford to pay for themselves. This is not fair.

In addition, it creates a new state tax, removes your right to approve tax increases, creates additional bureaucracy and costs millions of dollars. Let's keep local control and tax fairness.

### Vote "No" on Referendum Bill 42.

### Voters Pamphlet Statement Prepared by:

JOHN BETROZOFF, State Representative; PAUL ZELLINSKY, SR., State Representative.

Advisory Committee: ROSE BOWMAN, State Representative; STEVE VAN LUVEN, State Representative.





# INITIATIVE MEASURE 119

## TO THE LEGISLATURE

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 119 begins on page 27.

### Statement for

#### STOP NEEDLESS PAIN AND SUFFERING OF TERMINAL PATIENTS

The law to protect patients' rights is not working. Too often people are kept alive by technology that only delays death, without any chance of recovery. Unconscious patients are maintained on tubes and machines against their previously expressed wishes, sometimes for years. Conscious and suffering adult patients within six months of death are not permitted to choose a death with dignity according to their own personal beliefs.

#### STRENGTHEN THE LIVING WILL

The legislature has failed to meet the needs of hopelessly ill people. I-119 respects the last wishes of patients to refuse all artificial life supports—including feeding tubes—if such treatment only prolongs the process of dying, or if we end up in a permanent vegetative state and cannot return to consciousness.

#### STRONG SAFEGUARDS PROTECT EVERYONE

Where two physicians have confirmed a terminal condition, a conscious and mentally competent dying adult patient will be able to ask his or her physician for medication to end life in a dignified, painless, and humane manner. Such written requests require two independent witnesses and can be revoked at any time. The options permitted by I-119 are completely voluntary for patients, physicians, and health-care facilities.

### Official Ballot Title:

Shall adult patients who are in a medically terminal condition be permitted to request and receive from a physician aid-in-dying?

### The law as it now exists:

Washington State's Natural Death Act permits adults to voluntarily make a written directive that life sustaining procedures (the definition of which does not mention artificial nutrition nor hydration) be withheld or withdrawn when the individual is in a terminal condition. The written

authorization must be witnessed by two persons and is revocable at any time. Two physicians must verify that the individual is in a terminal condition before there can be a withholding or withdrawal of medical, surgical, or other means to sustain or prolong life. Furthermore, there must be a medical conclusion that death is imminent. Persons who comply with an individual's written authorization are protected from civil or criminal responsibility for those acts. Mercy killings, however, are not authorized.

### The effect of Initiative Measure 119, if approved into law:

Adults would continue to be authorized to voluntarily make a written directive that life sustaining procedures be withheld or withdrawn when the individual is in a terminal condition. However, what is considered to be a terminal condition would be expanded to include any terminal condition which would irreversibly result in death within six months or when there is no reasonable probability of recov-

ery from an irreversible coma or persistent vegetative state. The withdrawal or withholding of life sustaining procedures would specifically include the artificial administration of nutrition and hydration.

Adults in a terminal condition would also be authorized to make a voluntary written directive affirmatively asking for "aid-in-dying" when in a terminal condition, and the patient must be conscious and mentally competent when service is provided. In accord with that patient directive a physician could act to end their life in a "dignified, painless, and humane manner." The prohibition against mercy killings would be retained but "aid-in-dying" under the act would be permitted.

No physician would be required to provide aid-in-dying nor would a health facility be required to permit "aid-in-dying" within its facility. Licensed medical personnel acting in accordance with patient directives for withholding or withdrawing of life sustaining procedures, and physicians providing aid-in-dying, would be protected from civil and criminal responsibility for those acts.

### Statement against

#### LEGALIZES HOMICIDE

Initiative 119 radically changes the homicide laws in Washington. Calling it "aid-in-dying", I-119 allows doctors to kill their patients when they are diagnosed with only six months to live.

Why would Washington want to be the only place in the world where doctors could legally kill dying patients? Proponents want you to believe it's to care for dying people. But I-119 pushes caring aside in favor of killing.

#### WE DON'T NEED I-119

Washington laws already allow you to choose to turn off life-extending machines, like respirators. The law already allows dying people to have as much medication as they need to be free from pain. Our laws must make sure everyone gets the quality care they need. We should never ask our doctors to kill.

#### I-119 HAS NO SAFEGUARDS

No safeguards for depressed persons who in a moment of despair ask for a lethal injection.

No safeguards to protect vulnerable people from being pressured into assisted suicide because they are a burden on others.

No safeguards to stop someone from ending their life only because they have no money for health care.

No safeguards for patients who are misdiagnosed as terminal and then are mistakenly killed.

No safeguards for families who find that a loved one has been killed without their knowledge.

#### CARING NOT KILLING

We should not kill dying people nor prolong their pain and suffering with life-extending machines. We should give them all of our care and compassion.

Vote NO on Initiative 119.

For more information, call Washington Physicians Against I-119: (206) 462-9668.

### Rebuttal of Statement for

Living Wills exist today for those who choose to discontinue life-extending procedures. Proponents of I-119 are simply trying to frighten people into accepting their solution of killing as a way to relieve pain and suffering.

I-119 protects the doctor who takes your life, but has no safeguards for you.

Make your choice known by turning down this careless and dangerous law.

Vote NO on I-119!

### CONTROL YOUR OWN HEALTH-CARE DECISIONS VOTE YES ON I-119

I-119 calls upon the health-care system to let people make their own decisions. It is supported by citizens from all walks of life, including hundreds of clergy, doctors, nurses, and seniors. I-119 has been reviewed and endorsed by the Board of Trustees of the Seattle-King County Bar Association. Call (206) 624-2776.

### Rebuttal of Statement against

I-119 protects your right to decide. Many hospitals and nursing homes refuse to remove artificial feeding tubes from terminal patients, even those who have Living Wills.

Safeguards include: • only conscious, mentally competent terminal patients may request aid-in-dying • limited to adults • two independent witnesses must sign • two licensed physicians • entirely voluntary for patients, doctors, and hospitals.

Cancer and AIDS patients, and others with terminal conditions, should be permitted their own decisions at the end of life.

#### Voters Pamphlet Statement Prepared by:

REVEREND DALE TURNER, Interfaith Clergy for Yes on I-119; JUDGE ROBERT W. WINSOR, Retired, WA Citizens for Death with Dignity; LINDA GROMKO, M.D., Physicians for Yes on I-119.

Advisory Committee: HILKE FABER, Washington State Nursing Home Resident Council; REVEREND DR. BRUCE G. PARKER, United Methodist Church - Pacific Northwest Annual Conference; NANCY S. CAMPBELL, Northwest AIDS Foundation; RABBI EARL S. STARR, Interfaith Clergy for Yes on I-119; WILLIAM O. ROBERTSON, M.D., Physicians for Yes on I-119.

#### Voters Pamphlet Statement Prepared by:

JAMES E. WEST, State Senator; JOHN MOYER, M.D., State Representative; MARGARITA PRENTICE, R.N., State Representative.

Advisory Committee: JAMES KILDUFF, M.D., President, Washington State Medical Association; KARLA ROWE, R.N., President, Washington State Hospice Organization; RAYMOND HUNTHAUSEN, Archbishop, Archdiocese of Seattle; ESTHER STOHL, President, Seniors Educating Seniors; STEVE LARGENT, former Seahawk & concerned citizen.





# INITIATIVE MEASURE 120

## TO THE LEGISLATURE

**Note:** The explanatory statement was written by the Attorney General as required by law. The ballot title was court mandated. The complete text of Initiative Measure 120 begins on page 30.

### Statement for

#### WHAT IS INITIATIVE 120?

Washington Initiative 120 is PRO-CHOICE and protects our existing right to choose whether or not to have an abortion. This right was granted by the landmark U.S. Supreme Court's Roe v. Wade decision in 1973.

Initiative 120 recognizes the fundamental right of the people of Washington to make personal decisions regarding birth control and abortion — without government interference.

#### WHY DO WE NEED INITIATIVE 120?

The right to choose is threatened! Recent U.S. Supreme Court decisions leave no doubt — Roe v. Wade could be overturned as soon as next year!

Initiative 120 keeps the decision about abortion between women and their doctors in Washington state.

Initiative 120 keeps abortion legal and safe for all women in Washington — regardless of their economic situation — no matter what the U.S. Supreme Court does.

#### WHAT ARE THE KEY PROVISIONS OF INITIATIVE 120?

1. Continues the legal right to choose or refuse an abortion up to the point when there is a medical likelihood that the fetus can survive outside the woman's body — and thereafter *only* to protect the life or health of the woman;
2. Allows *only* physicians to perform abortions;
3. Continues the current State practice of funding prenatal care and abortion for low-income women;
4. Ensures safe abortions by prohibiting abortions outside the provisions of this Initiative.

### Official Ballot Title:

Shall state abortion laws be revised, including declaring a woman's right to choose physician performed abortion prior to fetal viability?

### The law as it now exists:

In 1970 Washington voters approved a statute which permitted the performance of an abortion if the following conditions were met:

1. Be within four lunar months from the time of conception.

#### WHO SUPPORTS INITIATIVE 120?

Initiative 120 is supported statewide by thousands of Washington citizens, more than 60 prestigious organizations, and community leaders from medical, labor, civic, religious and women's groups.

We urge you to join with us and **VOTE PRO-CHOICE—VOTE YES on 120** on November 5.

For more information about Initiative 120, call 1-800-232-4120.

### Rebuttal of Statement against

Anti-choice rhetoric doesn't change the facts.

PRO-CHOICE INITIATIVE 120 — written by Constitutional scholars in consultation with leaders of the medical community — *protects existing rights and current practice* to choose whether or not to have an abortion no matter what the U.S. Supreme Court does to Roe v. Wade.

PRO-CHOICE INITIATIVE 120 continues the choice of legal, safe abortions for women in Washington state.

VOTE PRO-CHOICE  
VOTE YES ON 120

#### Voters Pamphlet Statement Prepared by:

MARGARET A. COLONY, President, League of Women Voters of Washington; DR. RICK LANE JOHNSON, Past President, Washington State Medical Association; RONALD E. MORRISON, President, Planned Parenthood Affiliates of Washington.

Advisory Committee: BOOTH GARDNER, Governor; JOEL PRITCHARD, Lieutenant Governor; THE REV. DR. SAMUEL MCKINNEY; GLADYS BURNS, Past President, American Association of University Women, Washington State Division; MARI J. CLACK, Spokane Activist.

2. Consent by the woman and spouse or by a parent if under the age of eighteen.
3. The woman must have been a state resident for ninety days.
4. Be performed by a physician.
5. Be performed in an approved medical facility.

As a result of court decisions, commencing with Roe v. Wade in 1973, abortions can be lawfully performed anytime during the first six lunar months from the time of conception. No consent is required by a spouse or parent and there is no residency requirement. Further, an abortion during the first six months is not required to be conducted in a hospital.

### The effect of Initiative Measure 120, if approved into law:

The Washington statutes would be changed but the initiative would not change the court decisions.

### Statement against

#### INITIATIVE 120 IS EXTREME

Initiative-120 goes far beyond existing law. It will be the most radical abortion law in the United States.

#### INITIATIVE 120 CREATES ABORTION ON DEMAND

Initiative-120 allows abortions for any reason, including birth control, convenience or sex selection ... even in the final three months of pregnancy.

#### INITIATIVE 120 DISREGARDS THE RIGHTS OF PARENTS

Initiative-120 allows young girls of any age to get abortions ... without their parent's knowledge or permission.

#### INITIATIVE 120 PROTECTS THE ABORTION INDUSTRY NOT WOMEN

Initiative-120 makes it nearly impossible for women to recover damages for abortion-related injuries by giving special legal protections to abortionists.

Initiative-120 prohibits nearly all regulations that protect a woman's life or health and allows unqualified personnel to participate in abortion services.

#### INITIATIVE 120 COSTS TAXPAYERS MILLIONS MORE DOLLARS

Initiative-120 allows all women, even wealthy women, to demand taxpayer-funded abortions.

Initiative-120 requires state and local governments to provide the same amount of money for abortion services that is being provided for prenatal and maternity care for women and children. This will require reductions in current services or tax increases to pay at least \$64 million more for additional abortion-related costs.

State law would declare a fundamental right to choose or refuse birth control or abortion prior to the viability of the fetus or when necessary to protect the woman's life or health. The good faith judgment by a physician as to pregnancy duration and fetus viability would be a defense in any proceeding alleging a violation of the act. The termination of the pregnancy would not be required to be performed in a hospital facility. If the state provides any maternity care benefits, it would be required also to provide substantially equivalent benefits for the termination of pregnancies.

#### INITIATIVE 120 IS UNNECESSARY

Current state law already allows women easy access to legal abortion and ensures medically-accredited facilities. We just don't need Initiative-120.

#### INITIATIVE 120 GOES WAY TOO FAR

*Initiative-120 allows abortions for any reason, even in late pregnancy, in unsafe facilities with unqualified personnel, for young girls, even behind their parent's back ... and forces you, the taxpayer, to foot the bill.*

#### PLEASE VOTE "NO" ON INITIATIVE 120

For more information on Initiative 120 call (206) 867-1351.

### Rebuttal of Statement for

Don't be misled. Regardless of what the U.S. Supreme Court does, Washington women will continue to have easy access to legal abortion under existing law passed by state voters in 1970.

Initiative-120 goes way beyond Roe v. Wade. Initiative-120 would make Washington the abortion capital of America. Initiative-120 allows anyone to come to Washington to get an abortion, for any reason, even in late pregnancy ... and your tax-dollars pay the bill.

#### PLEASE VOTE "NO" ON INITIATIVE 120

#### Voter Pamphlet Statement Prepared by:

LINDA SMITH, State Senator; MIKE PADDEN, State Representative; ELLEN CRASWELL, State Senator.

Advisory Committee: DR. GLENN DOORNINK, Chairman, Physicians Against 120; VAL STEVENS, State Director, Concerned Women for America; PASTOR ED NELSON, Pastors Against Initiative 120; MARY JO KAHLER, Chairperson, Vote No 120 Committee; JAMES HUGHES, Labor Consultant.





# SENATE JOINT RESOLUTION 8203

## PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8203 begins on page 31.

Vote cast by the 1991 Legislature on final passage:

House: Yeas, 95; Nays, 0; Excused, 3; Absent or not voting, 0.

Senate: Yeas, 33; Nays, 12; Excused, 4; Absent or not voting, 0.

### Statement for

#### A MORE SIMPLE AND DIRECT ALTERNATIVE METHOD

SJR 8203 provides a more simple and direct method to submit a proposed county home rule charter to voters for their approval or rejection. It does not eliminate the current freeholder option. The existing method to write a county home rule charter is time consuming, complicated, expensive, and has frustrated voters.

#### SJR 8203 IS ANOTHER WAY TO SECURE COUNTY HOME RULE

Under SJR 8203, the Legislature creates an unsalaried temporary commission to prepare five different county charters. Any one of these charters may be submitted directly to voters upon either a petition filed by county voters or a decision by the county government. The same procedures are used to elect freeholders under the existing method.

The only changes under SJR 8203 are to *eliminate double elections* and to offer a *more direct, less costly alternative method* of submitting a proposed county home rule charter. A charter cannot be adopted without voter approval.

#### WHY COUNTY HOME RULE?

By adopting a county home rule charter, local voters — instead of the Legislature — determine the structure of their county government. Voters need the flexibility to determine what structure is most appropriate for their local needs.

When voters approve a charter, the county may offer its citizens:

- The right of initiative and referendum on county matters.

### Official Ballot Title:

Shall the Constitution be amended to permit an alternative method of drafting county home rule charters for submission to voters?

### The law as it now exists:

The Constitution permits the voters of a county to approve the adoption of a home rule charter. The process set forth in the Constitution requires an election in the county of 15 to 25 freeholders. The elected freeholders then draft a

- A more representative county council or board.
- The power to adapt to changing needs through voter approved charter amendments.

#### SJR 8203 INCREASES VOTERS' POWER

Thoughtfully drafted alternative charters enhance the ability of voters to govern themselves by offering a variety of choices for county government.

Why not let the voters decide, rather than the Legislature? VOTE YES.

### Rebuttal of Statement against

The opponents' arguments are not valid. SJR 8203 *does not* take away the right to elect freeholders. It is an *alternative* which gives citizens the choice of selecting one of five predrafted charters or drafting their own. Local control is enhanced, not diminished.

The structure of government in counties without home-rule charters is at the mercy of the state legislature. This amendment will make it easier for counties to control their own affairs.

#### Voters Pamphlet Statement Prepared by:

BOB McCASLIN, Washington State Senator; MARY MARGARET HAUGEN, Washington State Representative; ROY A. FERGUSON, Washington State Representative.

Advisory Committee: CHUCK KLARICH, President, Washington State Association of Counties; LOIS NORTH, Member, King County Council; SAM S. REED, Thurston County Auditor; DOROTHY DUNCAN, Clallam County Commissioner; RUTHE RIDDER, King County Assessor.

proposed home rule charter which is submitted to the county voters for approval or rejection.

### The effect of Senate Joint Resolution 8203, if approved into law:

The present process for adopting a home rule charter would be retained and an alternative method would be provided.

The new alternative method would have a state committee appointed by the Governor draft five alternative home rule charters. A county legislative body or a petition signed by the equivalent of 10 percent of the county voters voting in the preceding general election could select one of the five alternative proposed home rule charters to be submitted to the county voters for approval or rejection. The voters would then either approve or reject the proposed charter.

### Statement against

#### PROTECT YOUR RIGHTS: VOTE NO ON SJR 8203

Watch out, the purpose of SJR 8203 is to reduce your constitutional rights while expanding the power of state government.

Article XI, Section 4 of our Constitution permits the voters of a county to approve the adoption of a home rule charter. The process set forth in the Constitution requires the election in the county of 15 to 25 freeholders. *The elected freeholders in your county* then draft a proposed home rule charter which is submitted to the county voters for approval or rejection. Elected freeholders hold meetings and proposed changes are discussed in public hearings so all voters are aware of proposed changes in county government.

#### BEWARE: STATE GOVERNMENT TAKES THE POWER

The effect of SJR 8203 if approved takes the power away from the citizens and places it in the hands of the state government.

The new alternative method would have a state committee—appointed by the Governor—draft five alternative home rule charters. Voters would not have a role in writing a charter.

Remember, the Home Rule Charter Constitutional change was defeated overwhelmingly in every county in the state in 1976. At that time, the measure before the voters was HJR 64. It received 347,555 "yes" votes and 892,419 "no" votes.

#### RETAIN YOUR RIGHTS: VOTE "NO" ON SJR 8203.

### Rebuttal of Statement for

Protect your Constitutional Rights.  
Vote "No" on SJR 8203.

Beware of those people who say they have a simple direct way to change your local government. You, the voters in the county, can make that change now and can participate in formulating any new county government.

A commission—appointed by the Governor to draw up alternative plans for you to select from—will not improve the process.

Retain your rights. Vote "No" on SJR 8203.

#### Voters Pamphlet Statement Prepared by:

A.L. (SLIM) RASMUSSEN, State Senator; IRV NEWHOUSE, State Senator.





# HOUSE JOINT RESOLUTION 4218

## PROPOSED CONSTITUTIONAL AMENDMENT

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4218 begins on page 32.

**Vote cast by the 1991 Legislature on final passage:**

House: Yeas, 98; Nays, 0; Absent or not voting, 0.

Senate: Yeas, 42; Nays, 0; Excused, 1; Absent or not voting, 6.

### Statement for

#### THE COURTS NEED MORE FLEXIBILITY THAN IN 1889

The original Constitution provided that counties could have three Court Commissioners regardless of the county's population. Thousands of lawsuits are filed each year. Courts have attempted to adapt and deal with increasing court congestion without adding more judges. One strategy has been to create specialty Court Commissioners in the areas of mental health and family law. This has helped, yet lacks flexibility among counties of different populations and varying volumes of court cases.

#### THE WASHINGTON COMMISSION ON TRIAL COURTS RECOMMENDED THIS AMENDMENT

In 1990, the Chief Justice of the Washington State Supreme Court appointed the Washington Commission on Trial Courts. This Commission recommended that the limit of three Court Commissioners for each county be changed. The duties of Court Commissioners, however, remains unchanged, performing duties such as probate proceedings, issuing temporary restraining orders and hearing uncontested civil matters. Decisions of Court Commissioners are subject to review by an elected judge. Commissioners performing less complicated activities avoid additional permanent judgeships.

#### COUNTY COMMISSIONERS WILL DECIDE COUNTY-BY-COUNTY

County commissioners are responsible for budgeting the costs of courthouse operation. They are able to determine how many Commissioners are needed and set their compensation. Mental health and family law commissioners would

### Official Ballot Title:

Shall each county legislative body establish the number of Superior Court Commissioners and the constitutional limit of three be repealed?

### The law as it now exists:

The State Constitution now limits the number of Superior Court Commissioners who can be appointed by the Superior Court Judges in each county to a maximum of three commissioners. These general Court Commissioners are constitu-

tionally limited in their functions and do not possess the full powers of a Superior Court Judge. These Commissioners have authority to perform duties that a judge can perform at chambers, take depositions, and perform other business connected with the administration of justice as prescribed by law. The decisions of the Commissioners are subject to revision by the Superior Court Judges.

#### SUPPORT THIS CHANGE FROM THE ARCHAIC

This constitutional amendment is a small but meaningful step in combating court congestion and in meeting the changing needs in individual counties. It deserves your support.

### Rebuttal of Statement against

Court Commissioners are qualified attorneys with judicial skills. None are paid \$80,000. Like elected judges, Commissioners are subject to ethical review by the Judicial Conduct Commission.

All Court Commissioner decisions are subject to review by an elected judge upon request of any party (RCW 2.24.050).

Our crucial issue is flexibility to deal with increased civil caseloads in a state whose population has increased to nearly 5,000,000 people. Court Commissioners are a practical, cost-effective, proven solution.

#### Voters Pamphlet Statement Prepared by:

SENATOR GARY NELSON, Chair, Senate Law & Justice Committee; REPRESENTATIVE MARLIN APPELWICK, Chair, House Judiciary Committee.

Advisory Committee: THE HONORABLE FRED H. DORE, Chief Justice, Washington Supreme Court; THE HONORABLE TED KOLBABA, President, Assn. of Superior Court Judges; CHARLES J. KLARICH, President, Washington State Assn. of Counties; LOWELL K. HALVERSON, President, Washington State Bar Association.

tionally limited in their functions and do not possess the full powers of a Superior Court Judge. These Commissioners have authority to perform duties that a judge can perform at chambers, take depositions, and perform other business connected with the administration of justice as prescribed by law. The decisions of the Commissioners are subject to revision by the Superior Court Judges.

### The effect of House Joint Resolution 4218, if approved into law:

The only change would be to delete the constitutional limitation of having a maximum of three Superior Court Commissioners in each county. There would be no change in the functions or authority of the Court Commissioners. The number of Court Commissioners in each county would be determined by the legislative authority of that county, not by the court.

### Statement against

Court Commissioners are a blight on our judicial system. Most are unsuccessful lawyers who opt for the security of this appointed position and an \$80,000 paycheck.

Commissioners are not acting as the Constitution provides -- making "uncontested" decisions. These responsibilities are for elected accountable judges, not appointed, unelected and unaccountable Commissioners.

Before Commissioners, citizens lose their constitutional rights; no right to an affidavit of prejudice, no right to appeal on the record, and most importantly, no right to speak! This proposed constitutional amendment is bad judicial reform. Good government costs money and requires accountability. Washington may need more Superior Court Judges, but not more unelected, unaccountable Court Commissioners.

Commissioners decide most family law cases. Because they tolerate false statements and they refuse to discipline parties for perjury, family court is derisively known as "perjury court" or "liars court".

Bad judges can be removed, bad Commissioners remain kings in their court, and just like kings, they lose touch with reality. Overturning Commissioner decisions takes time and money, both of which the vast majority of parties don't have.

Integrity and accountability in our judiciary requires judges who have respect for the constitutional rights of children and parents. Divorce is too easy in Washington. Commissioners not only divorce parents, but they also divorce children from one of their parents by arbitrarily awarding sole custody. Commissioners do not realize the significant effect their decisions have on the lives of people who appear before them.

Vote no to preserve an accountable judiciary.

### Rebuttal of Statement for

The proponents ask you to allow the appointment of unlimited numbers of Court Commissioners, not subject to election or public review, who will have virtually the same powers as elected judges.

Appointing more second-class pseudo-judges will not solve anything, and will only add to the cost and inefficiency of the present system by adding scores of unelected officials.

We rejected a similar proposal in 1981. We must do so again. Please vote "NO".

For more information call (206) 572-7340.

#### Voters Pamphlet Statement Prepared by:

BILL HARRINGTON, President, Fathers Rights; GLEN STOLL, President, Family Defense League; CHARLES L. SMITH, Seattle Attorney.

Advisory Committee: ALVA LONG, Attorney, King County; COLLEEN ALLEN GRADY, Attorney, Pierce County; CYNDI McBAIN, Vancouver, President, Second Wives and Step-Mothers for Equal Rights in Divorce; LOLA WOLK, Everett, President, Grandparents for Fairness in Seeing Grandchildren; RHONDA BREAU, Bellingham, President, VOCAL, Victims of Child Abuse Laws.





# SUBSTITUTE HOUSE JOINT RESOLUTION 4221

## PROPOSED CONSTITUTIONAL AMENDMENT

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Substitute House Joint Resolution 4221 begins on page 33.

**Vote cast by the 1991 Legislature on final passage:**

House: Yeas, 96; Nays, 0; Absent or not voting, 2.

Senate: Yeas, 41; Nays, 0; Excused, 8; Absent or not voting, 0.

### Statement for

#### COURT CONGESTION AND DELAY ARE HARMFUL TO THE PUBLIC

The State Constitution allocates jurisdiction between the Superior Courts (our chief trial court) and the courts of limited jurisdiction, which include the District Court.

#### "EQUITY" CASES CAN ONLY BE BROUGHT IN SUPERIOR COURT

The Constitution creates jurisdiction only in the Superior Court for matters in "equity" as well as many other enumerated matters. Cases in "equity" would cover things not thought of as "black letter" law issues. They would include, among other things, actions or injunctions or restraining orders. Perhaps most significantly today, they would include the issuance of protective orders in the case of domestic violence or harassment cases.

#### DISTRICT COURTS SHOULD BE ALLOWED TO HANDLE CERTAIN CASES

A recommendation from the Washington Commission on Trial Courts appointed by the Washington State Supreme Court is that jurisdiction over the domestic violence and anti-harassment cases, the authority to grant name changes, and other more minor ministerial actions should be transferred to the District Courts. The Legislature considering these arguments concluded that it was appropriate that *both* District and Superior Courts should have jurisdiction. This change will assist in court congestion and court management. In some circumstances, this change will get the cases into courthouses that are closer to the public rather than only handled in the Superior Courts located in the county seat.

### Official Ballot Title:

Shall the Constitution's description of the Superior Court's original jurisdiction be amended by deleting the reference to "cases in equity"?

### The law as it now exists:

The Washington State Constitution describes the original jurisdiction of the state Superior Courts. The Superior Courts also have jurisdiction for other matters as designated by the Legislature. The Constitution's description of original

#### THIS AMENDMENT IS NECESSARY FOR COURT EFFICIENCY TO EASE COURT CONGESTION, AND FOR PUBLIC CONVENIENCE

This constitutional amendment is necessary to authorize the Legislature to allocate equity jurisdiction to *both* the Superior Court and the District Courts. This constitutional amendment is necessary for flexibility in dealing with court congestion and for efficiency in running the court system. It deserves your support.

### Rebuttal of Statement against

Contrary to the opponents' statement, this constitutional amendment does *not* alter the "equity jurisdiction" of the Superior Courts, but merely extends this jurisdiction to District Courts. Citizens may therefore choose the court that is convenient for their needs.

Founders of the Constitution would *approve* dispersing this judicial choice to the people, particularly when noting the careful analysis and debate by the Legislature and the Washington Commission on Trial Courts in proposing this constitutional improvement.

#### Voters Pamphlet Statement Prepared by:

SENATOR GARY NELSON, Chair, Senate Law & Justice Committee; REPRESENTATIVE MARLIN APPELWICK, Chair, House Judiciary Committee.

Advisory Committee: THE HONORABLE FRED H. DORE, Chief Justice, Washington Supreme Court; THE HONORABLE TED KOLBABA, President, Association of Superior Court Judges; THE HONORABLE LARRY MOLLER, President, District & Municipal Court Judges Association; CHARLES J. KLARICH, President, Washington State Association of Counties; LOWELL K. HALVERSON, President, Washington State Bar Association.

jurisdiction provides that the following legal actions are to be initially commenced in the Superior Courts of this state: cases at law involving real property, legality of taxes, felony cases, probate, divorce, annulments, insolvencies, abatement of nuisances, and other special actions not specifically assigned by the Legislature. The description also refers to "cases in equity" which is not defined.

There is difficulty in precisely defining what is meant by "cases in equity." The distinction between "cases at law" and "cases in equity" dates back historically to England, where there were common law courts and separate chancery or "equity" courts. Historically "equity courts" were more innovative in creating remedies. Equity matters frequently involved injunctive relief and claims not related to money damages. However, in the United States and in Washington state we do not have separate court systems for "equity" and "law." Therefore, the historical distinctions have become blurred, and there is no precise definition of what is meant by the Constitution's reference to "cases in equity."

### Statement against

#### EQUITY IS THE SOUL AND THE SPIRIT OF THE LAW

SHJR 4221, if passed, would destroy the Equity Jurisdiction and the constitutional rights to "Equity" in our Superior Courts.

#### THE JUDICIARY IS THE GUARDIAN OF CONSTITUTIONAL AND PRIVATE RIGHTS

The judiciary is the guardian of the peoples' Constitutional and Private Rights. Most of our territorial rights and laws flowed from the Federalist thinking of Alexander Hamilton, James Madison and the Honorable John Jay (the first Chief Justice of the United States Supreme Court).

#### EQUITY JURISDICTION GUARANTEES IMPARTIALITY AND JUSTICE

Alexander Hamilton stated in the Federalist Papers LXXX (80): "The Courts of the United States were granted authority over all cases of Admiralty jurisdiction and granted the individual State Courts power in propriety of delegating 'Equity Jurisdiction'". This guaranteed justice and impartiality which means the giving or desiring to give each person their due. Taken broadly, Equity means to do to all persons as we would have them do unto us.

#### THIS AMENDMENT IS NOT NECESSARY FOR COURT EFFICIENCY

The citizens must vote *NO* on SHJR 4221 as a constitutional amendment to Article IV, section 6, and declare all

## The effect of Substitute House Joint Resolution 4221, if approved into law:

The only change would be to delete the reference to "cases in equity" in the constitutional description of the Superior Courts' original jurisdiction. The Legislature could then authorize other courts, including the state District Courts, to exercise jurisdiction for various matters without having to be concerned whether those matters would or would not be characterized as being "cases in equity."

contrary acts such as this null and void in order to preserve our constitutional rights to our courts of Equity. The courts were designed to be an intermediate body between the citizens and the Legislature. Our Constitution is preferred to statutes, and the intention of the people is preferred to that of their agents, the Legislature. This does not mean the judiciary is superior to the Legislature; it only supposes that the power of the people is superior to all three branches of their government.

### Rebuttal of Statement for

Beware, this amendment will remove "Equity" from our Superior Courts. The way this amendment is worded you will lose your Constitutional Rights to fairness.

This is a devious and deceitful solution under the pretense to relieve congestion. Sponsors would lead you to believe "Equity" would be in both courts; in reality, it will be in neither!

Vote No. Ask your legislature to put "Equity" in the District Courts like the sponsors said they would do!

For more information call, Equal Justice For All (206) 938-0234.

#### Voters Pamphlet Statement Prepared by:

GENE GOOSMAN, Equal Justice For All; RAY TERNES, The Family Preservation Alliance; THOMAS SKELLY, The Family Preservation Alliance.

Advisory Committee: MARY GOOSMAN, Equal Justice For All; LYDIA SHAVER and JAMES E. SHAVER, SR., Overseer, Santiago Seafarers Society.



## COMPLETE TEXT OF Initiative Measure 553

AN ACT Relating to term limits for elected officials; adding a new section to chapter 43.01 RCW; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 29.68 RCW.

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

**NEW SECTION. Sec. 1.** A new section is added to chapter 43.01 RCW to read as follows:

A person elected to the office of governor or lieutenant governor is eligible to serve not more than two consecutive terms in each office.

**NEW SECTION. Sec. 2.** A new section is added to chapter 44.04 RCW to read as follows:

A person elected to the Washington state legislature is eligible to serve not more than three consecutive terms in the house of representatives and not more than two consecutive terms in the senate. In addition, no person may serve more than ten consecutive years in any combination of house and senate membership. Terms are considered consecutive unless they are at least six years apart. Therefore, elected legislators who have reached their maximum term limits are eligible for legislative office after an absence of six years from the state legislature. Persons who have already reached the maximum term of service on the effective date of this act are eligible to serve one additional term in either the state house of representatives or the senate.

**NEW SECTION. Sec. 3.** A new section is added to chapter 29.68 RCW to read as follows:

A person elected to the United States congress from this state is eligible to serve not more than three consecutive terms in the United States house of representatives and not more than two consecutive terms in the United States senate and not more than twelve consecutive years in any combination of United States house and senate membership. Terms are considered to be consecutive unless they are at least six years apart. Therefore, elected legislators who have reached their maximum term limits are eligible for legislative office after an absence of six years from the United States congress. Persons who have already reached the maximum term of service on the effective date of this act are eligible to serve one additional term in either the United States house of representatives or senate.

**NEW SECTION. Sec. 4.** 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.



## COMPLETE TEXT OF Initiative Measure 559

AN ACT Relating to property value assessment; amending RCW 84.40.030; adding new sections to chapter 84.40 RCW; and creating new sections.

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

**Sec. 1.** RCW 84.40.030 and 1988 c 222 s 14 are each amended to read as follows:

Except as provided in sections 2 and 3 of this act, all property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: **PROVIDED**, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (a) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or





## COMPLETE TEXT OF Initiative Measure 559 (con't.)

being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

**NEW SECTION. Sec. 2.** A new section is added to chapter 84.40 RCW to read as follows:

For taxes payable in 1992 and thereafter, all real property shall be valued at one hundred percent of its assessed value, as finally determined, after any appeals, for property taxes payable in 1985, adjusted as follows: (1) The 1985 assessed value shall be increased to reflect the addition since 1985 of any assessable improvements to such property, that constitute real property, at the cost thereof or, if less, at the true and fair value thereof; (2) the 1985 assessed value shall be reduced to reflect the loss, removal, damage, or destruction since 1985 of any part of such real property, at the true and fair value thereof at the time of such loss, removal, damage, or destruction; and (3) except as provided in section 3 of this act, the 1985 assessed value shall be adjusted to reflect the percentage change in the consumer price index for all urban consumers in the United States, as published by the United States department of labor, from January 1, 1985, to January 1, 1991, for taxes payable in 1992 and for taxes payable in 1993 and thereafter, the assessed value shall be adjusted to reflect the percentage change in the consumer price index for all urban consumers in the United States, as published by the United States department of labor, from January 1 of the year preceding the assessment year to January 1 of the assessment year. In no event shall the percentage change so determined result in an increase in assessed value for any real property that exceeds four percent of the assessed value of the property for the immediately preceding assessment year. In no event shall the assessed value of any real property exceed one hundred percent of the true and fair value thereof as determined under RCW 84.40.030.

**NEW SECTION. Sec. 3.** A new section is added to chapter 84.40 RCW to read as follows:

In the event any real property is sold or transferred subsequent to January 1, 1985, in a transaction subject to the real estate excise tax imposed under chapter 82.45 RCW, the assessed value thereof shall equal the selling price of the real property as determined under RCW 82.45.030, subject, however, to such adjustments after the date of sale or transfer as are provided in section 2 (1), (2), and (3) of this act; provided, however, adjustments in the assessed value of real property caused by any percentage change in the consumer price index as specified in section 2(3) of this act shall be made from January 1 of the year following any such sale or transfer. In no event shall the assessed value of any real property exceed one hundred percent of the true and fair value of the real property as determined under RCW 84.40.030.

**NEW SECTION. Sec. 4.** 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. 5.** This act shall be effective for taxes levied for collection in 1992 and thereafter.

**NEW SECTION. Sec. 6.** The department of revenue shall adopt rules to implement this act.

### PLEASE NOTE:

To obtain a copy of the preceding and following texts for the state measures in larger print, call the Secretary of State's toll-free hotline -- 1-800-448-4881.



## COMPLETE TEXT OF Referendum Bill 42

AN ACT Relating to state-wide implementation of enhanced 911; amending RCW 38.52.030, 9.73.070, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.090, and 82.14B.100; adding new sections to chapter 38.52 RCW; repealing RCW 80.36.550, 80.36.5501, and 82.14B.080; and providing for submission of this act to a vote of the people.



## COMPLETE TEXT OF Referendum Bill 42 (con't.)

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

**NEW SECTION. Sec. 1.** The legislature finds that a state-wide emergency communications network of enhanced 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that state-wide implementation of enhanced 911 telephone service is feasible and should be accomplished as soon as practicable.

**Sec. 2.** RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped

forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((8))~~ (9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

~~((9))~~ (10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state





## COMPLETE TEXT OF Referendum Bill 42 (con't.)

radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

**NEW SECTION. Sec. 3.** By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by section 4 of this act shall assist and facilitate enhanced 911 implementation throughout the state.

**NEW SECTION. Sec. 4.** A state enhanced 911 coordination office, headed by the state enhanced 911 coordinator, is established in the emergency management division of the department. Duties of the office shall include:

(1) Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state;

(2) Seeking advice and assistance from, and providing staff support for, the enhanced 911 advisory committee; and

(3) Recommending to the utilities and transportation commission by August 31st of each year the level of the state enhanced 911 excise tax for the following year.

**NEW SECTION. Sec. 5.** The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the

state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers northwest, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, and representatives of large and small local exchange telephone companies. This section shall expire December 31, 2000.

**NEW SECTION. Sec. 6.** The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to help implement and operate enhanced 911 state-wide. The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall specify by rule the purposes for which moneys may be expended from this account.

**Sec. 9.** RCW 82.14B.010 and 1981 c 160 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund enhanced 911 emergency ((service)) communication systems throughout the state on a multicounty, county-wide, or district-wide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to ((vest the legislative authorities of the counties, subject to voter approval, with the power to)) impose an excise tax on the use of ((telephone)) switched access lines.

**Sec. 10.** RCW 82.14B.020 and 1981 c 160 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, county-wide, or district-wide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) "((Telephone)) Enhanced 911 telephone system" means a public telephone system consisting of a network, data base, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering



## COMPLETE TEXT OF Referendum Bill 42 (con't.)

point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the ~~((telephone))~~ local exchange company's switching office.

~~((3))~~ (4) "~~((Telephone))~~ Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

**Sec. 11.** RCW 82.14B.030 and 1981 c 160 s 3 are each amended to read as follows:

(1) The legislative authority of a county may impose ~~((an))~~ a county enhanced 911 excise tax on the use of ~~((telephone))~~ switched access lines in an amount not exceeding fifty cents per month for each ~~((telephone))~~ switched access line. The amount of tax shall be uniform for each ~~((telephone))~~ switched access line. ~~((This tax must be approved by a favorable vote of at least three-fifths of the electors thereof voting on the proposition, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in the county at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in the county in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in the county in the last preceding general election. This tax may be imposed for six years without subsequent voter approval. At any election held under this section, the ballot title of the proposition shall state the maximum monthly rate of the proposed tax which may be imposed by the county legislative authority. The actual rate of tax to be imposed shall be set by ordinance, which rate shall not exceed the maximum monthly rate approved by the electors.~~

No tax may be imposed under this section for more than one year before the expected implementation date of an emergency services communication system. The power granted under this section is in addition to any other authority which counties have to fund emergency services communication systems.) Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) Beginning January 1, 1992, a state enhanced 911 excise tax is imposed on all switched access lines in the state. For 1992, the tax shall be set at a rate of twenty cents per month for each switched access line. Until December 31, 1998, the amount of tax shall not exceed twenty cents per month for each switched access line and thereafter shall not exceed ten cents per month for each switched access line. The tax shall be uniform for each switched access line. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in section 6 of this act.

(3) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

**Sec. 12.** RCW 82.14B.040 and 1981 c 160 s 4 are each amended to read as follows:

~~((A county imposing a))~~ The state enhanced 911 tax and the county enhanced 911 tax ~~((under))~~ created in this chapter shall ~~((require collection of the tax))~~ be collected from the user by the ~~((telephone))~~ local exchange company providing the switched access line. The ~~((telephone))~~ local exchange company shall state the amount of the ~~((tax))~~ taxes separately on the billing statement which is sent to the user.

**Sec. 13.** RCW 82.14B.090 and 1987 c 17 s 3 are each amended to read as follows:

An emergency service communication district is authorized to finance and provide an emergency service communication system and ~~((, if authorized by the voters,))~~ to finance the system by imposing the excise tax authorized in RCW 82.14B.030.

**Sec. 14.** RCW 82.14B.100 and 1987 c 17 s 4 are each amended to read as follows:

RCW 82.14B.040 through 82.14B.060 apply to any emergency service communication district established under RCW 82.14B.070 ~~((through))~~ and 82.14B.090. ~~((A ballot proposition to authorize the excise tax authorized under RCW 82.14B.040 through 82.14B.060 may be submitted to the voters of a proposed emergency service communication district at the same election the ballot proposition creating the district is submitted. The authority to impose the tax shall only exist if both of these ballot propositions are approved.))~~

**NEW SECTION. Sec. 15.** The following acts or parts of acts are each repealed:

- (1) RCW 80.36.550 and 1990 c 260 s 3;
- (2) RCW 80.36.5501 and 1990 c 260 s 2; and
- (3) RCW 82.14B.080 and 1987 c 17 s 2.

**NEW SECTION. Sec. 16.** Section 1 and 3 through 7 of





## COMPLETE TEXT OF Referendum Bill 42 (con't.)

this act are each added to chapter 38.52 RCW.

**NEW SECTION. Sec. 17.** Sections 1 through 6 and 9 through 16 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. The ballot title for this act shall be: "Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?"



## COMPLETE TEXT OF Initiative Measure 119

AN ACT Relating to the natural death act; and amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.040, 70.122.050, 70.122.060, 70.122.070, 70.122.080, 70.122.090, 70.122.100, and 70.122.900.

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

**Sec. 1.** Section 2, chapter 112, Laws of 1979 and RCW 70.122.010 are each amended to read as follows:

The ~~((legislature))~~ people find~~((s))~~ that adult persons have the fundamental right to control the decisions relating to the rendering of their own medical care, including the decision to have all life-sustaining procedures withheld or withdrawn in instances of a terminal condition, and including the right to death with dignity through voluntary aid-in-dying if suffering from a terminal condition.

The ~~((legislature))~~ people further find~~((s))~~ that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The ~~((legislature))~~ people further find~~((s))~~ that, in the interest of protecting individual autonomy, such prolongation of life for persons with a terminal condition may cause loss of patient dignity, and unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the patient.

The ~~((legislature))~~ people further find~~((s))~~ that there exists considerable uncertainty in the medical and legal professions as to the legality of terminating the use or application of life-

sustaining procedures where the patient has voluntarily and in sound mind evidenced a desire that such procedures be withheld or withdrawn.

The people further find that existing law does not allow willing physicians to render aid-in-dying to qualified patients who request it.

In recognition of the dignity and privacy which patients have a right to expect, the ~~((legislature))~~ people hereby declare~~((s))~~ that the laws of the state of Washington shall recognize the right of an adult person to make a written directive instructing such person's physician to withhold or withdraw life-sustaining procedures in the event of a terminal condition, and/or to request and receive aid-in-dying under the provisions of this chapter.

**Sec. 2.** Section 3, chapter 112, Laws of 1979 and RCW 70.122.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(2) "Directive" means a written document voluntarily executed by the declarer in accordance with the requirements of RCW 70.122.030.

(3) "Health facility" means a hospital as defined in RCW ~~((70.38.020(7) or))~~ 70.41.020(2), a nursing home as defined in RCW ~~((70.38.020(8)))~~ 18.51.010, or a home health agency or hospice agency as defined in RCW 70.126.010.

(4) "Life-sustaining procedure" means any medical or surgical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function, which, when applied to a qualified patient, would serve only to artificially prolong the moment of death ~~((and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized)).~~ "Life-sustaining procedure" includes, but is not limited to, cardiac resuscitation, respiratory support, and artificially administered nutrition and hydration, but shall not include the administration of medication to relieve pain or the performance of any medical procedure deemed necessary to alleviate pain.

(5) "Physician" means a person licensed under chapters 18.71 or 18.57 RCW.

(6) "Qualified patient" means a patient diagnosed and certified in writing to be afflicted with a terminal condition by two physicians one of whom shall be the attending physician, who have personally examined the patient.

(7) "Terminal condition" means an incurable ~~((condition caused by injury, disease, or illness, which, regardless of the application of life-sustaining procedures, would within reasonable medical judgment, produce death, and where the application of life-sustaining procedures serve only to postpone the moment of death of the patient.))~~ or irreversible condition which, in the written opinion of two physicians



## COMPLETE TEXT OF Initiative Measure 119 (con't.)

having examined the patient and exercising reasonable medical judgment, will result in death within six months, or a condition in which the patient has been determined in writing by two physicians as having no reasonable probability of recovery from an irreversible coma or persistent vegetative state.

(8) "Adult person" means a person attaining the age of majority as defined in RCW 26.28.010 and 26.28.015.

(9) "Aid-in-dying" means aid in the form of a medical service provided in person by a physician that will end the life of a conscious and mentally competent qualified patient in a dignified, painless and humane manner, when requested voluntarily by the patient through a written directive in accordance with this chapter at the time the medical service is to be provided.

Sec. 3. Section 4, chapter 112, Laws of 1979 and RCW 70.122.030 are each amended to read as follows:

(1) Any adult person may execute at any time a directive directing the withholding or withdrawal of life-sustaining procedures and/or requesting the provision of aid-in-dying when in a terminal condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded to the health facility upon the withdrawal of life-sustaining procedures, and/or provision of aid-in-dying. No person shall be required to execute a directive in accordance with this chapter. Any person who has not executed such a directive is ineligible for aid-in-dying under any circumstances. The directive shall be essentially in the following form, but in addition may include other specific directions:

### DIRECTIVE TO PHYSICIANS

Directive made this \_\_\_\_ day of \_\_\_\_ (month, year).

I \_\_\_\_\_, being of sound mind, willfully, and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should have an incurable injury, disease,

or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining procedures would serve only to artificially prolong the moment of my death (and where my physician determines that my death is imminent whether or not life-sustaining procedures are utilized).

Declarant must initial one or both of the following:

\_\_\_ I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally.

\_\_\_ I direct that upon my request my physician provide aid-in-dying so that I might die in a dignified, painless and humane manner.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining procedures, such as while in an irreversible coma or persistent vegetative state, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and I accept the consequences of such refusal.

(c) If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.

(d) I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

(e) I understand that I may add to or delete from or otherwise change the wording of this directive before I sign it, and that I may revoke this directive at any time.

Signed \_\_\_\_\_

City, County and State of Residence.

The declarer has been personally known to me and I believe him or her to be of sound mind.

Witness \_\_\_\_\_

Witness \_\_\_\_\_

(2) Prior to effectuating a directive the diagnosis of a terminal condition by two physicians shall be verified in writing, attached to the directive, and made a permanent part of the patient's medical records.

(3) Similar directives to physicians lawfully executed in other states shall be recognized within Washington state as having the same authority as in the state where executed.

Sec. 4. Section 5, chapter 112, Laws of 1979 and RCW 70.122.040 are each amended to read as follows:

(1) A directive may be revoked at any time by the declarer, without regard to declarer's mental state or competency, by any of the following methods:

(a) By being canceled, defaced, obliterated, burned, torn, or otherwise destroyed by the declarer or by some person in declarer's presence and by declarer's direction.

(b) By a written revocation of the declarer expressing declarer's intent to revoke, signed, and dated by the declarer. Such revocation shall become effective only upon communication to the attending physician by the declarer or by a person acting on behalf of the declarer. The attending





## COMPLETE TEXT OF Initiative Measure 119 (con't.)

physician shall record in the patient's medical record the time and date when said physician received notification of the written revocation.

(c) By a verbal expression by the declarer of declarer's intent to revoke the directive. Such revocation shall become effective only upon communication to the attending physician by the declarer or by a person acting on behalf of the declarer. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and the time, date, and place, if different, of when said physician received notification of the revocation.

(2) There shall be no criminal, civil, or administrative liability on the part of any person for failure to act upon a revocation made pursuant to this section unless that person has actual or constructive knowledge of the revocation.

(3) If the declarer becomes comatose or is rendered incapable of communicating with the attending physician, the directive shall remain in effect for the duration of the comatose condition or until such time as the declarer's condition renders declarer able to communicate with the attending physician.

**Sec. 5.** Section 6, chapter 112, Laws of 1979 and RCW 70.122.050 are each amended to read as follows:

No physician or health facility which, acting in good faith in accordance with the requirements of this chapter, causes the withholding or withdrawal of life-sustaining procedures from a qualified patient, shall be subject to civil liability therefrom. No licensed health personnel, acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining procedures in accordance with the provisions of this chapter shall be subject to any civil liability. No physician, or licensed health personnel acting under the direction of a physician, or health facility ethics committee member who participates in good faith in the withholding or withdrawal of life-sustaining procedures and no physician who provides aid-in-dying to a qualified patient in accordance with the provisions of this chapter shall be subject to prosecution for or be guilty of any criminal act or of unprofessional conduct.

**Sec. 6.** Section 7, chapter 112, Laws of 1979 and RCW 70.122.060 are each amended as follows:

(1) Prior to effectuating a withholding or withdrawal of life-sustaining procedures from or provision of aid-in-dying to a qualified patient pursuant to the directive, the attending physician shall make a reasonable effort to determine that the directive complies with RCW 70.122.030 and, if the patient is mentally competent, that the directive and all steps proposed by the attending physician to be undertaken are

currently in accord with the desires of the qualified patient.

(2) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining procedures and/or the provision of aid-in-dying. No physician, and no licensed health personnel acting in good faith under the direction of a physician, shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection, and no health facility may be required to permit the provision of aid-in-dying within its facility. If the physician or health care facility refuses to effectuate the directive, such physician or facility shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient or to another facility.

**Sec. 7.** Section 8, chapter 112, Laws of 1979 and RCW 70.122.070 are each amended to read as follows:

(1) The withholding or withdrawal of life-sustaining procedures from or the provision of aid-in-dying to a qualified patient pursuant to the patient's directive in accordance with the provisions of this chapter shall not, for any purpose, constitute a suicide.

(2) The making of a directive pursuant to RCW 70.122.030 shall not restrict, inhibit, or impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures from or the provision of aid-in-dying to an insured qualified patient, notwithstanding any term of the policy to the contrary.

(3) No physician, health facility, or other health provider, and no health service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan, shall require any person to execute a directive as a condition for being insured for, or receiving, health care services.

**Sec. 8.** Section 10, chapter 112, Laws of 1979 and RCW 70.122.080 are each amended to read as follows:

The act of withholding or withdrawing life-sustaining procedures or providing aid-in-dying, when done pursuant to a directive described in RCW 70.122.030 and which causes the death of the declarer, shall not be construed to be an intervening force or to affect the chain of proximate cause between the conduct of any person that placed the declarer in a terminal condition and the death of the declarer.

**Sec. 9.** Section 9, chapter 112, Laws of 1979 and RCW 70.122.090 are each amended to read as follows:

Any person who willfully conceals, cancels, defaces, obliterates, or damages the directive of another without such declarer's consent shall be guilty of a gross misdemeanor. Any person who falsifies or forges the directive of another or willfully conceals or withholds personal knowledge of a



## COMPLETE TEXT OF Initiative Measure 119 (con't.)

revocation as provided in RCW 70.122.040, with the intent to cause a withholding or withdrawal of life-sustaining procedures or the provision of aid-in-dying contrary to the wishes of the declarer and thereby, because of any such act, directly causes life-sustaining procedures to be withheld or withdrawn or aid-in-dying to be provided and death to thereby be hastened, shall be subject to prosecution for murder in the first degree as defined in RCW 9A.32.030.

**Sec. 10.** Section 11, chapter 112, Laws of 1979 and RCW 70.122.100 are each amended to read as follows:

Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying and to permit death with dignity through the provision of aid-in-dying only by a physician when voluntarily requested in writing as provided in this chapter by a conscious and mentally competent qualified patient at the time aid-in-dying is to be provided.

**Sec. 11.** Section 1, chapter 112, Laws of 1979 and RCW 70.122.900 are each amended to read as follows:

This act shall be known and may be cited as the "~~((Natural))~~ Death With Dignity Act."

**NEW SECTION. Sec. 12.** 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.



## COMPLETE TEXT OF Initiative Measure 120

AN ACT Relating to reproductive privacy; adding new sections to chapter 9.02 RCW; repealing RCW 9.02.010, 9.02.020, 9.02.030, 9.02.040, 9.02.060, 9.02.070, 9.02.080, and 9.02.090; and prescribing penalties.

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

**NEW SECTION. Sec. 1.** The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions.

Accordingly, it is the public policy of the state of

Washington that:

(1) Every individual has the fundamental right to choose or refuse birth control;

(2) Every woman has the fundamental right to choose or refuse to have an abortion, except as specifically limited by this act;

(3) Except as specifically permitted by this act, the state shall not deny or interfere with a woman's fundamental right to choose or refuse to have an abortion; and

(4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information.

**NEW SECTION. Sec. 2.** The state may not deny or interfere with a woman's right to choose to have an abortion prior to viability of the fetus, or to protect her life or health.

A physician may terminate and a health care provider may assist a physician in terminating a pregnancy as permitted by this section.

**NEW SECTION. Sec. 3.** Unless authorized by section 2 of this act, any person who performs an abortion on another person shall be guilty of a class C felony punishable under chapter 9A.20 RCW.

**NEW SECTION. Sec. 4.** The good faith judgment of a physician as to viability of the fetus or as to the risk to life or health of a woman and the good faith judgment of a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue.

**NEW SECTION. Sec. 5.** Any regulation promulgated by the state relating to abortion shall be valid only if:

(1) The regulation is medically necessary to protect the life or health of the woman terminating her pregnancy,

(2) The regulation is consistent with established medical practice, and

(3) Of the available alternatives, the regulation imposes the least restrictions on the woman's right to have an abortion as defined by this act.

**NEW SECTION. Sec. 6.** No person or private medical facility may be required by law or contract in any circumstances to participate in the performance of an abortion if such person or private medical facility objects to so doing. No person may be discriminated against in employment or professional privileges because of the person's participation or refusal to participate in the termination of a pregnancy.

**NEW SECTION. Sec. 7.** If the state provides, directly or by contract, maternity care benefits, services, or information to women through any program administered or funded in whole or in part by the state, the state shall also provide women otherwise eligible for any such program with substantially equivalent benefits, services, or information to





## COMPLETE TEXT OF Initiative Measure 120 (con't.)

permit them to voluntarily terminate their pregnancies.

**NEW SECTION. Sec. 8.** For purposes of this chapter:

(1) "Viability" means the point in the pregnancy when, in the judgment of the physician on the particular facts of the case before such physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

(2) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

(3) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

(4) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

(5) "Health care provider" means a physician or a person acting under the general direction of a physician.

(6) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington.

(7) "Private medical facility" means any medical facility that is not owned or operated by the state.

**NEW SECTION. Sec. 9.** The following acts or parts of acts are each repealed:

(1) Section 38, page 81, Laws of 1854, section 40, page 209, Laws of 1869, section 42, page 188, Laws of 1873, section 821, Code of 1881, section 196, chapter 249, Laws of 1909 and RCW 9.02.010;

(2) Section 197, chapter 249, Laws of 1909 and RCW 9.02.020;

(3) Section 198, chapter 249, Laws of 1909 and RCW 9.02.030;

(4) Section 199, chapter 249, Laws of 1909 and RCW 9.02.040;

(5) Section 1, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.060;

(6) Section 2, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.070;

(7) Section 3, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.080; and

(8) Section 5, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.090.

**NEW SECTION. Sec. 10.** This act shall not be construed to define the state's interest in the fetus for any purpose other than the specific provisions of this act.

**NEW SECTION. Sec. 11.** 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. 12.** This act shall be known and may be cited as the Reproductive Privacy Act.

**NEW SECTION. Sec. 13.** Sections 1 through 8 and 10 through 12 of this act are each added to chapter 9.02 RCW.

### PLEASE NOTE:

In the preceding and following measures, all words in double brackets with a line through them are in the State Law or Constitution at the present time and are being taken out by the measure. All words underlined do not appear in the State Law or Constitution as they are now written but will be put in if the measure is adopted.



## COMPLETE TEXT OF Senate Joint Resolution 8203

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XI of the Constitution of the state of Washington by adding a new section to read as follows:

Article XI, section ... In addition to the methods of framing a county home rule charter contained in section 4 of this Article, a charter may be framed as provided in this section. The legislature shall without unreasonable delay enact legislation creating and appropriating funds for a temporary county home rule commission of fifteen members. The commission shall draft five alternative county "Home Rule" charters, a copy of which shall be submitted to the legislative authority of each county, and shall be retained by the state in its permanent records. The commission shall



## COMPLETE TEXT OF Senate Joint Resolution 8203 (con't.)

exist not more than one year. Commission members shall be appointed by the governor with at least one-third of the members to consist of members of the legislature and elected county officials. A new county home rule commission with the same membership qualifications, which shall exist no longer than a one-year period, shall be appointed by the governor to redraft any of the alternative "Home Rule" charters whenever the legislature enacts legislation calling for the creation of a new temporary home rule commission. As far as practical, all commissions created under this section shall be representative of major geographic areas of the state and the state's demographic distribution.

A single alternative charter may be submitted at an election to voters of any county for their approval and ratification, or rejection, upon either: (1) An ordinance adopted by the county legislative authority; or (2) the filing of a petition calling for an election which is signed by registered voters of the county equal in number to ten percent of the voters voting at the last preceding general election in the county. Upon approval and ratification of a charter by the voters of the county under this section, the charter shall become the organic law of the county.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and that the ballot title of the foregoing constitutional amendment shall be: "Shall an additional procedure be permitted to simplify the process by which a proposed county charter is placed upon the ballot?"



## COMPLETE TEXT OF House Joint Resolution 4218

BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 23 of the Constitution of the state of Washington to read as follows:

Article IV, section 23. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, (~~not exceeding three in number,~~) who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law. The number of court commissioners in each county shall be determined by the legislative authority of that county.

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

## LANGUAGE ASSISTANCE

In many instances, assistance can be provided to those who have difficulty reading this pamphlet because their primary language is not English. For more information, call the Secretary of State Voter Information Hotline at 1-800-448-4881.

**NOTE: Important new election laws take effect next year.  
Please read page 4 thoroughly.**





## COMPLETE TEXT OF Substitute House Joint Resolution 4221

BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 6 of the Constitution of the state of Washington to read as follows:

Article IV, section 6. The superior court shall have original jurisdiction ~~((in all cases in equity and))~~ in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not

otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

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

## ELECTION DAY AND VOTING

### Where to vote:

At your precinct's polling place. The name and number are on your registration card and the location is published in the newspaper sometime the week before the election. You may also call your county auditor.

### When to vote:

Polls are open from 7:00 a.m. to 8:00 p.m.

### How to vote:

Three methods of voting are used in Washington State: punchcard, lever machine, and paper ballot. Each county uses one or a combination of these methods. If you need assistance, you may ask an election worker to explain how to use your county's voting device or ballot.

### Absentee voting:

1. **Regular Absentee Ballot:** If you cannot vote in person, you may vote by absentee ballot. You may request an absentee ballot, either in person or by mail, as early as 45 days before the election, but no later than the day before the election.

**Exception:** If you are confined to the hospital and were admitted no earlier than five days before the election, you may

apply for an absentee ballot up to and including the day of the election.

2. **Service Absentee Ballot:** Members of the military service may apply for an absentee ballot at any time. Such service voters will be mailed an absentee ballot for the next primary or general election, or special election to be held subsequent to the date of application.

3. **Special Absentee Ballot:** A voter who is working outside the continental United States and will be unable to return a regular absentee ballot by normal mail delivery may apply for a **special absentee ballot** 90 days before the primary or general election. The special absentee ballot will contain the offices and measures, if known, scheduled to appear on the ballot. The county auditor will include a list of candidates who have filed and a list of any issues that have been referred to the ballot before the application was filed.

The voter may use the special absentee ballot to write in the name of an eligible candidate for each office and vote on any measure.

4. **Ongoing Absentee Ballot:** If you are a disabled person or a person over the age of 65, you may apply for status as an ongoing absentee voter. This will entitle you to automatically receive an absentee ballot for each subsequent election through January of the next odd-numbered year. At that time, the county auditor will automatically notify you and permit you to renew your status as an ongoing absentee voter. Contact the county auditor for an application.

# WASHINGTON STATE VOTER INFORMATION

To register to vote in the state of Washington, you must be at least 18 years of age on or before the day of the election, a U.S. citizen by birth or naturalization and a legal resident of the state of Washington. You must register to vote at least 30 days before an election to be qualified to vote. Call your local county auditor's office for information on how to change your name or address.

The Washington State County Auditors Association also provides an ongoing voter outreach program. If you have any questions about voter registration or voting, please contact your local county auditor's office. For your convenience, the number for your auditor is listed below.

<u>COUNTY</u>	<u>NUMBER</u>	<u>COUNTY</u>	<u>NUMBER</u>
Adams	659-0090*	Lincoln	725-4971*
Asotin	243-4164*	Mason	427-9670 Ext 470
Benton	783-1310 Ext 618*		1-800-562-5628 Ext 470
Chelan	664-5432*	Okanogan	422-3712*
Clallam	452-7831	Pacific	875-9317
Clark	699-2345	Pend Oreille	447-3185*
Columbia	382-4541*	Pierce	591-7430
Cowlitz	577-3002	San Juan	378-2161
Douglas	745-8527*	Skagit	336-9305
Ferry	775-5200*	Skamania	427-5141 Ext 226*
Franklin	545-3536*	Snohomish	388-3444
Garfield	843-1411*		1-800-562-4367
Grant	754-2011 Ext 333*	Spokane	456-2320*
Grays Harbor	249-4232	Stevens	684-6595*
Island	679-7366	Thurston	786-5408
Jefferson	385-9119		1-800-624-1234 Ext 5408
King	296-8683	Wahkiakum	795-3219
Kitsap	876-7128	Walla Walla	527-3204*
	1-800-872-4503	Whatcom	676-6742
Kittitas	962-7503*	Whitman	397-6270*
Klickitat	773-4001*	Yakima	575-4043*
Lewis	748-9121 Ext 278		
	1-800-562-6130		

\* Area Code: 509

The Office of the Secretary of State provides a toll-free voter information service to residents within the state of Washington. The number is listed below. This service will be operated Monday through Friday from 8:00 a.m. until 8:00 p.m., beginning Monday, October 14, and continuing through the day of the election, November 5.

## TOLL-FREE VOTER INFORMATION

1-800-448-4881

Voters may also call to request additional copies of the Voters Pamphlet or any of the following special versions of the Voters Pamphlet:

- Braille Voters Pamphlet
- Tape-cassette Voters Pamphlet
- Spanish-language Voters Pamphlet

The Office of the Secretary of State also provides a toll-free voter information service for the hearing impaired (TDD-Telecommunications Device for the Deaf).

## TDD TOLL-FREE VOTER INFORMATION

1-800-422-8683



## MAJOR POLITICAL PARTY CAUCUS AND CONVENTION PROCEDURES

In the state of Washington, candidates for most offices which appear on the state general election ballot are nominated at a primary. An important addition to this procedure is the nomination of candidates for the positions of President and Vice President, which will be conducted under a presidential preference primary starting in 1992.

While this new system allows citizens to nominate presidential candidates by direct vote, it also retains the caucus and convention system of the state's major political parties as an important part of the process. The following information is provided to familiarize Washington citizens with these caucus and convention procedures.

Delegates to the national nominating conventions of the major political parties from Washington are selected through a system of precinct caucuses, county or legislative district conventions, and finally, a state convention. The first step in this process is the precinct caucus, a neighborhood-level meeting open to all members of a particular political party. Precinct caucuses are held in each precinct of the state in the early spring of each presidential year. Individuals are elected from each precinct to attend the legislative district or county convention where the delegates to the state convention are chosen. The state conventions of the major political parties will, in turn, choose delegates for the national conventions at which the Presidential and Vice Presidential nominees are selected. (Under the new presidential primary system, however, the delegates from Washington state will be required to support candidates for President and Vice President based on the votes received by those candidates at the presidential primary.)

In addition to the selection of delegates, those persons attending party caucuses and conventions have the opportunity to determine the party platform, vote on resolutions, and meet party candidates for a variety of local, state, and national offices.

### DATES OF PRECINCT CAUCUSES AND CONVENTIONS

	<b>Democrats</b>	<b>Republican</b>
Precinct caucuses	March 3, 1992	March 3, 1992
County conventions	April 18, 1992	March-May 1992*
District conventions	April 25, 1992	March-May 1992*
State convention	June 6, 1992	June 18-20, 1992
Location of state convention	Silverdale	Yakima

\*Information was not complete at the time this publication was prepared.

### RULES AND PROCEDURES

Each political party has the authority under the United States Constitution and state law to adopt rules to govern the delegate selection process and other party activities which occur in conjunction with the caucuses and conventions. These party rules specify the number of delegates from each precinct to the county or legislative district convention, the number of delegates from each legislative district or county convention to the state convention, and the procedural rules for conducting the caucuses and conventions. A copy of the rules of either party should be available from the state committee of that party in advance of the time precinct caucuses are held.

### ADDITIONAL INFORMATION

The dates and locations of all party caucuses and conventions receive advance press coverage and are generally advertised by the parties. Specific questions you have about any aspect of the nominating procedure may be directed to the state committee of the respective party. They may be able to respond to your inquiry directly or they may refer you to either your precinct committee person or your county or district chairperson. The addresses and telephone numbers of the state committees are as follows:

Washington State Democratic Central Committee  
1701 Smith Tower  
Seattle WA 98104  
(206) 583-0664

Washington State Republican Party  
Nine Lake Bellevue Drive Suite 203  
Bellevue WA 98005  
(206) 454-1992

## INDEPENDENT CANDIDATE AND MINOR PARTY NOMINATING PROCEDURES

This summary of the procedures governing the nomination of independent and minor party candidates is **NOT** meant to be inclusive. Persons interested in this procedure should review Chapter 29.24 of the Revised Code of Washington or obtain more detailed information from the Office of the Secretary of State, Legislative Building AS-22, Olympia, WA 98504-0422 or their county auditor.

### NOMINATING CONVENTION

Any nomination of a candidate for partisan political office other than by a major political party must be made by a convention held not earlier than the last Saturday in June and not later than the first Saturday in July. Notice of the intention to hold a nominating convention must be published in a newspaper of general circulation within the county in which the convention is held at least ten days before the date of the convention. To be valid, a convention must be attended by at least twenty-five (25) registered voters. In order to nominate candidates for the offices of President and Vice President of the United States, United States Senator, or any state-wide office, the parties holding the nominating convention must obtain and submit the signatures of at least two hundred (200) registered voters of the state of Washington. In order to nominate candidates for any other office the parties holding the nominating convention must obtain and submit the signatures of at least twenty-five (25) persons who are registered to vote in the jurisdiction of the office for which nominations are being made.

### CERTIFICATE OF NOMINATION

The signatures and addresses of the registered voters who attended the convention and a record of the proceedings of the convention must be submitted to the appropriate filing officer no later than one week following the adjournment of the convention at which the nominations were made. Any candidate except for President and Vice President who is nominated at an independent or minor party convention, must file a declaration of candidacy and pay the filing fee required for the office sought during the regular filing period established for major political parties. (A nominating petition containing signatures of registered voters equal to the dollar amount of the filing fee is permitted for those candidates without sufficient assets or income to pay the filing fee.) The names of all of the candidates who have been nominated by convention except for President and Vice President will be printed on the primary ballot together with the major party candidates for their respective offices. Candidates for President and Vice President will only appear on the general election ballot. No other candidate's name may be printed on the general election ballot unless he or she receives at least one percent of the total votes cast for the office in the partisan primary and a majority of the votes cast for candidates of that party for that office. Independent candidates need only meet the one percent threshold in order to qualify for placement on the general election ballot.

### WHERE FILINGS ARE MADE

When the candidacy is for:

A federal or state-wide office, with the Secretary of State;

A legislative office that includes territory from more than one county, with the Secretary of State;

A county office or legislative office which lies entirely within a single county, with the County Auditor.

If a minor party or independent candidate convention nominates *any* candidate for office in a jurisdiction where voters from more than one county vote upon the office, *all* nominating petitions and the convention certificates are to be filed with the Office of the Secretary of State.



# VOTING BY ABSENTEE BALLOT

**INSTRUCTIONS:** Any registered voter who will not be able to vote in person may apply for an absentee ballot. For your convenience, a request form is located on the following page. Include your printed name, address at time of registration, address to which the ballot is to be mailed, and your signature. The voter's signature must compare to the voter's permanent registration record. **Mail your request directly to your county auditor. See addresses below.** A request may be made either in person, by mail or messenger and must be received by the county auditor no later than the day before the election. **Exception:** A voter may apply for an absentee ballot up to and including the day of the election if the voter was admitted to the hospital no earlier than 5 days before the election and confined to the hospital on election day. Contact the hospital administrator or county elections department for such a ballot. **An absentee ballot must be voted and postmarked no later than the day of the election.** Make your request as soon as possible to allow sufficient time for an exchange of correspondence with the county elections department.

COUNTY	ADDRESS	CITY	ZIP	NUMBER
Adams	210 West Broadway	Ritzville	99169	659-0090*
Asotin	P.O. Box 129	Asotin	99402	243-4164*
Benton	P.O. Box 470	Prosser	99350	783-1310x618*
Chelan	P.O. Box 400	Wenatchee	98807	664-5432*
Clallam	223 East 4th St.	Port Angeles	98362	452-7831
Clark	P.O. Box 5000	Vancouver	98668	699-2345
Columbia	341 East Main St.	Dayton	99328	382-4541*
Cowlitz	207 North 4th	Kelso	98626	577-3002
Douglas	P.O. Box 456	Waterville	98858	745-8527*
Ferry	P.O. Box 498	Republic	99166	775-5200*
Franklin	1016 North 4th Ave.	Pasco	99301	545-3536*
Garfield	P.O. Box 278	Pomeroy	99347	843-1411*
Grant	P.O. Box 37	Ephrata	98823	754-2011x333*
Grays Harbor	P.O. Box 751	Montesano	98563	249-4232
Island	P.O. Box 5000	Coupeville	98239	679-7366
Jefferson	P.O. Box 563	Port Townsend	98368	385-9119
King	500 4th Avenue	Seattle	98104	296-8683
Kitsap	614 Division St.	Port Orchard	98366	876-7128
				1-800-872-4503
Kittitas	205 W. 5th	Ellensburg	98926	962-7503*
Klickitat	205 S. Columbus	Goldendale	98620	773-4001*
Lewis	P.O. Box 29	Chehalis	98532	748-9121x278
				1-800-562-6130
Lincoln	P.O. Box 366	Davenport	99122	725-4971*
Mason	P.O. Box 400	Shelton	98584	427-9670x470
				1-800-562-5628
Okanogan	P.O. Box 1010	Okanogan	98840	422-3712*
Pacific	P.O. Box 97	South Bend	98586	875-9317
Pend Oreille	P.O. Box 5000	Newport	99156	447-3185*
Pierce	2401 S. 35th Rm. 200	Tacoma	98409	591-7430
San Juan	P.O. Box 638	Friday Harbor	98250	378-2161
Skagit	P.O. Box 1306	Mt. Vernon	98273	336-9305
Skamania	P.O. Box 790	Stevenson	98648	427-5141x226*
Snohomish	3000 Rockefeller Ave.	Everett	98201	388-3444
				1-800-562-4367
Spokane	W. 1116 Broadway	Spokane	99260	456-2320*
Stevens	P.O. Box 189	Colville	99114	684-6595*
Thurston	2000 Lakeridge Dr SW	Olympia	98502	786-5408
				1-800-624-1234
Wahkiakum	P.O. Box 543	Cathlamet	98612	795-3219
Walla Walla	P.O. Box 1856	Walla Walla	99362	527-3204*
Whatcom	P.O. Box 398	Bellingham	98227	676-6742
Whitman	P.O. Box 350	Colfax	99111	397-6270*
Yakima	128 N. 2nd St. #117	Yakima	98901	575-4043*

\*Area Code: 509

# ABSENTEE BALLOT REQUEST

I \_\_\_\_\_ HEREBY DECLARE THAT I AM A REGISTERED VOTER  
PRINT NAME FOR POSITIVE IDENTIFICATION

AT \_\_\_\_\_  
RESIDENCE ADDRESS MAILING ADDRESS

\_\_\_\_\_  
CITY ZIP PHONE NO. PRECINCT  
SEND MY BALLOT TO: ☐ SAME ADDRESS AS ABOVE ☐ THE ADDRESS BELOW

\_\_\_\_\_  
STREET ADDRESS CITY OR TOWN STATE ZIP

This application is for the State General Election, November 5, 1991.

TO BE VALID, YOUR  
SIGNATURE MUST  
BE INCLUDED

SIGNATURE X \_\_\_\_\_

## FOR OFFICE USE ONLY

REGISTRATION NUMBER \_\_\_\_\_ REGISTRATION VERIFIED \_\_\_\_\_ ADDRESS CHANGE \_\_\_\_\_  
PRECINCT CODE \_\_\_\_\_ BALLOT CODE \_\_\_\_\_ LEG. DIST. \_\_\_\_\_  
BALLOT MAILED \_\_\_\_\_ BALLOT RETURNED \_\_\_\_\_

----- CLIP FORM OUT ON THIS LINE - MAIL TO COUNTY AUDITOR -----

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BALLOT MAILED \_\_\_\_\_ BALLOT RETURNED \_\_\_\_\_



## COMMENT SHEET

Please take a minute and complete this comment sheet. Your comments provide valuable assistance in the improvement of the Voters Pamphlet. Please mail this to: Voters Pamphlet, Office of the Secretary of State, Legislative Building AS-22, Olympia, WA 98504-0422.

	YES	NO
1. Was this Voters Pamphlet delivered early enough to help you study the issues?	<input type="checkbox"/>	<input type="checkbox"/>
2. Was the design of the Voters Pamphlet appealing?	<input type="checkbox"/>	<input type="checkbox"/>
3. Was the format readable?	<input type="checkbox"/>	<input type="checkbox"/>
4. Was the information provided for each measure, including the ballot title and explanatory statement, clear and understandable?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do you have any suggestions which might improve the Voters Pamphlet or is there any other voter information you would like to have included in future editions of the Voters Pamphlet?	<input type="checkbox"/>	<input type="checkbox"/>

Additional comments: \_\_\_\_\_

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# VOTERS PAMPHLET

STATE GENERAL ELECTION • NOVEMBER 5, 1991



PUBLISHED BY OFFICE OF  
THE SECRETARY OF STATE

*The Bill of Rights and Beyond*

EDITION NUMBER 1 WASHINGTON STATE 1991

BULK RATE  
U.S. POSTAGE

**PAID**

SEATTLE, WA

PERMIT NO. 1216

CAR, RT. PRESORT

RESIDENTIAL PATRON, LOCAL

**EDITION 1**