

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

* * *
INITIATIVE 670

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 670 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to congressional term limits; and adding a new chapter to Title 44 RCW.

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

{+ NEW SECTION. +} Sec. 1. The people of the State of Washington want to amend the United States Constitution to establish term limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment of the United States Constitution to two terms in office. Governors in forty states are limited to two terms or less. Voters have established term limits for over two thousand state legislators as well as over seventeen thousand local officials across the country, including state legislators in Washington.

Nevertheless, Congress has ignored our desire for term limits not only by proposing excessively long terms for its own members but also by refusing to pass an amendment for genuine congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the 104th Congress voted against a constitutional amendment containing the term limits passed by a wide margin of Washington voters.

The people, not Congress, should set term limits. We hereby establish as the official position of the citizens and State of Washington that our elected officials should enact by constitutional amendment congressional term limits of three terms in the United States House of Representatives, and of two terms in the United States Senate.

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for term limits; they have voted to dramatically raise their own pay; they have provided lavish million-

dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly \$5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government. Congress has grown increasingly distant from the people of the states. The people have the sovereign right and a compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

We hereby state our intention on behalf of the people of Washington, that this initiative lead to the adoption of the following United States constitutional amendment:

"CONGRESSIONAL TERM LIMITS AMENDMENT

Section 1. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

Section 3. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several states."

Therefore, we, the people of the State of Washington, have chosen to adopt this initiative to inform voters regarding incumbent and nonincumbent federal and state candidates' support for the above proposed CONGRESSIONAL TERM LIMITS AMENDMENT.

{+ NEW SECTION. +} Sec. 2. (1) We, the voters of Washington, hereby instruct each member of the Washington State congressional delegation to use all of his or her delegated powers to pass the Congressional Term Limits Amendment set forth in section 1 of this act.

(2) All primary and general election ballots shall have printed the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative who:

(a) Fails to vote in favor of the proposed Congressional Term Limits Amendment set forth in section 1 of this act when brought to a vote;

(b) Fails to second the proposed Congressional Term Limits Amendment set forth in section 1 of this act if it lacks for a second before any proceeding of the legislative body;

(c) Fails to propose or otherwise bring to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth in section 1 of this act if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth in section 1 of this act;

(d) Fails to vote in favor of all votes bringing the proposed Congressional Term Limits Amendment set forth in section 1 of this act before any committee or subcommittee of the respective house upon which

he or she serves;

(e) Fails to reject any attempt to delay, table, or otherwise prevent a vote by the full legislative body of the proposed Congressional Term Limits Amendment set forth in section 1 of this act;

(f) Fails to vote against any proposed constitutional amendment that would establish longer term limits than those in the proposed Congressional Term Limits Amendment set forth in section 1 of this act regardless of any other actions in support of the proposed Congressional Term Limits Amendment set forth in section 1 of this act;

(g) Sponsors or cosponsors any proposed constitutional amendment or law that would increase term limits beyond those in the proposed Congressional Term Limits Amendment set forth in section 1 of this act; or

(h) Fails to ensure that all votes on congressional term limits are recorded and made available to the public.

(3) The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the name of any incumbent candidates for Congress if the Congressional Term Limits Amendment set forth in section 1 of this act is before the states for ratification or has become part of the United States Constitution.

{+ NEW SECTION. +} Sec. 3. (1) Nonincumbent candidates for United States Senator and Representative and the Washington House and Senate shall be given an opportunity to take a "Term Limits Pledge" regarding term limits each time he or she files to run for such office. Any such candidate who declines to take the term limits pledge shall have the information "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to his or her name on every primary and general election ballot.

(2) The term limits pledge shall be offered to nonincumbent candidates for United States Senator and Representative and the Washington House and Senate until a constitutional amendment that limits the number of terms of United States Senators to no more than two and of United States Representatives to no more than three becomes part of the United States Constitution.

(3) The term limits pledge that each nonincumbent candidate shall be offered is as follows:

"I support term limits and pledge to use all my legislative powers to enact the proposed constitutional amendment set forth in the Term Limits Act of 1996. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

Signature of Candidate

{+ NEW SECTION. +} Sec. 4. (1) We, the voters of Washington, hereby instruct each member of the Washington House of Representatives and Senate to use all of his or her delegated powers to pass the Article V application to Congress set forth in subsection (2) of this section, and to ratify, if proposed, the Congressional Term Limits Amendment set forth in section 1 of this act.

(2) Application:

"We, the people and legislature of the State of Washington, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V of the United States Constitution, to call a convention for proposing amendments to the Constitution.

(3) All primary and general election ballots shall have the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any respective member of the Washington House of Representatives or Senate who:

(a) Fails to vote in favor of the application set forth in subsection (2) of this section when brought to a vote;

(b) Fails to second the application set forth in subsection (2) of this section if it lacks for a second;

(c) Fails to vote in favor of all votes bringing the application set forth in subsection (2) of this section before any committee or subcommittee upon which he or she serves;

(d) Fails to propose or otherwise bring to a vote of the full legislative body the application set forth in subsection (2) of this section if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the application set forth in subsection (2) of this section;

(e) Fails to vote against any attempt to delay, table, or otherwise prevent a vote by the full legislative body of the application set forth in subsection (2) of this section;

(f) Fails in any way to ensure that all votes on the application set forth in subsection (2) of this section are recorded and made available to the public;

(g) Fails to vote against any change, addition, or modification to the application set forth in subsection (2) of this section;

(h) Fails to vote in favor of the amendment set forth in subsection (2) of this section if it is sent to the states for ratification;

(i) Fails to vote against any term limits amendment with longer terms if such an amendment is sent to the states for ratification.

(4) The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Washington House of Representatives or Senate as required by any of subsection (3) (a) through (g) of this section if the State of Washington has made an application to Congress for a convention for proposing amendments to the Constitution pursuant to this law and such application has not been withdrawn or, the Congressional Term Limits Amendment set forth in section 1 of this act has been submitted to the states for ratification.

(5) The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Washington House of Representatives or Senate as required by any of subsection (3) (h) and (i) of this section if the State of Washington has ratified the proposed Congressional Term Limits Amendment set forth in section 1 of this act.

(6) The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Washington House of Representatives or Senate as required by any of subsection (3) (a) through (i) of this section if the proposed Congressional Term Limits Amendment set forth in section 1 of this act has become part of the United States Constitution.

{+ NEW SECTION. +} Sec. 5. (1) The secretary of state is responsible to make an accurate determination as to whether a candidate for the federal or state legislature shall have placed adjacent to his or her name on the election ballot the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS."

(2) The secretary of state shall consider timely submitted public comments prior to making the determination required in subsection (1)

of this section and may rely on such comments and any information submitted by the candidates in making the determination required in subsection (1) of this section.

(3) The secretary of state, in accordance with subsection (1) of this section, shall determine and declare what information, if any, shall appear adjacent to the names of each incumbent federal legislator if he or she were to be a candidate in the next election. In the case of United States Representatives and United States Senators, this determination and declaration shall be made in a fashion necessary to ensure the orderly printing of primary and general election ballots with allowance made for all legal action provided in subsections (5) and (6) of this section, and shall be based upon each member of Congress' action during his or her current term of office and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the secretary of state in a previous election. In the case of incumbent state legislators, this determination and declaration shall be made not later than thirty days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the secretary of state in a previous election. The secretary of state shall not consider any action taken by any state or federal legislator prior to the enactment of this act.

(4) The secretary of state shall determine and declare what information, if any, will appear adjacent to the names of nonincumbent candidates for the state and federal legislatures, not later than five business days after the deadline for filing for the office.

(5) If the secretary of state makes the determination that the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall not be placed on the ballot adjacent to the name of a candidate for the federal or state legislature, any elector may appeal such decision within five business days to the Washington supreme court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the secretary of state to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this chapter and therefore should not have the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(6) If the secretary of state determines that the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall be placed on the ballot adjacent to a candidate's name, the candidate may appeal such decision within five business days to the Washington supreme court as an original action or shall waive any right to appeal such decision, in which case the burden of proof shall be upon the candidate to demonstrate by clear and convincing evidence that he or she should not have the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(7) The supreme court shall hear the appeal provided for in subsection (5) of this section and issue a decision within sixty days. The supreme court shall hear the appeal provided for in subsection (6) of this section and issue a decision not later than sixty-one days before the date of the election.

{+ NEW SECTION. +} Sec. 6. At such time as the Congressional Term Limits Amendment set forth in section 1 of this act has become part of the United States Constitution, this chapter automatically shall expire.

{+ NEW SECTION. +} Sec. 7. Any legal challenge to this chapter shall be filed as an original action before the supreme court of this state.

{+ NEW SECTION. +} Sec. 8. This act shall be known and cited as the Term Limits Act of 1996.

{+ NEW SECTION. +} Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

{+ NEW SECTION. +} Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 44 RCW.

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