



# Referendum Bill 35

Chapter 89, Laws of 1975, 1st ex. sess.

## Ballot Title:

Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?

Vote cast by the members of the 1975 Legislature on final passage:  
HOUSE [98 members]: Yeas, 56; Nays, 31; Absent or not voting, 11.  
SENATE [49 members]: Yeas, 31; Nays, 17; Absent or not voting, 1.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Referendum Bill 35 begins on Page 20.

## Statement for

### The Selection of a U. S. Senator Should Not be Made Behind Closed Doors

In 1972 the people of the state of Washington passed Initiative 276, the public disclosure law, putting Washington ahead of every other state in political reform; in 1975, with the passage of Referendum 35, we have the opportunity to lead the nation in a long over-due governmental reform—the selection of appointments to the United States Senate.

Under **existing** state law, if a U.S. Senate seat becomes vacant the governor may choose anyone he wishes, and it could be a large financial contributor, a relative or even himself. And there is no accountability. Under the **proposed** measure a governor must choose from a list of three names submitted to him from the duly-elected state central committee of the party of the individual who vacated the senate seat.

Not only does this provide a standard process of selecting appointments, but it also restores a check and balance to the selection process. Moreover, it insures the retention of the basis philosophy of the incumbent. In the last six years governors in New York and Ohio appointed successors of the opposite political party to fill vacated seats—one was a Republican filling a previously Democratic-controlled seat, and one was a Democrat filling a previously Republican-controlled seat—and the voters of the respective states rejected both when they came up for election.

Why is it needed now? Referendum 35 is part of a trend that is apparent on the state and federal level, of decentral-

izing power in the executive branch of government and restoring checks and balances to the governmental process. Moreover, it is of particular importance in the state of Washington from a practical standpoint because both United States Senators from this state are over 60 years of age, and either could be forced to leave office due to illness or death.

Both U.S. Senator Warren Magnuson and U.S. Senator Henry M. Jackson have endorsed Referendum 35.

## Rebuttal of Statement against

In their rush to oppose Referendum 35 its opponents have abandoned reason for emotion. Referendum 35 is endorsed by both of our present U.S. Senators, and is supported by Republicans and Democrats alike because it takes the selection of U.S. Senate appointees out of the hands of one man and behind the closed executive office doors, and puts it into the hands of a duly-elected, broad-based, statewide committee, in an **open** election. The appointment is too important to be left totally to the whim of one person. Referendum 35 is a long overdue governmental reform measure that makes government more accountable to the public that supports it.

### Voters' Pamphlet Statement Prepared by:

PETER VON REICHBAUER, State Senator, Democrat; and  
ELEANOR FORTSON, State Representative, Democrat.

## The Law as it now exists:

When a vacancy occurs in the office of a United States senator, the Governor has the power to appoint a person, without regard to his or her political party affiliation, to fill that vacancy until the next general state election, at which time the people have an opportunity to elect a person to the office. General state elections can be held in either even or odd-numbered years, thus the maximum term for which an appointed United States senator may serve without standing for election is approximately twelve months.

## The effect of Referendum Bill 35, if approved into Law:

If approved, Referendum Bill No. 35 would limit the Governor, in filling a United States Senate vacancy, to a list of three names submitted by the State Central Committee of the same political party as the senator who held office prior to the vacancy.

Referendum Bill No. 35 would also specify that elections to fill such vacancies can be held only in even-numbered years, thus increasing the term of an appointed United States senator to a maximum of approximately 27 months.

## Statement against

**DON'T LOSE YOUR RIGHT TO VOTE  
TO POLITICAL BOSSES.  
VOTE "NO" ON REFERENDUM 35.**

When an elected position becomes vacant in Washington state between elections, that position is filled by appointment, but only until the next general election when the people elect a successor. General elections take place every year.

But Referendum 35 would delay the election for as long as 27 months in the case of United States Senators only—one of the most important of all the officials we elect!

Referendum 35 allows unelected political bosses to choose a United States Senator for what can be a very long term; now, the law allows an elected governor to fill a vacancy, but only for a short term until the next general election. Your right to vote is to be given to partisan political leaders.

No state has ever had a procedure such as that proposed by Referendum 35. Why? Because it eliminates the long-standing openness found in the present process, promotes closed-door party politics, and sharply curtails the right of the people to vote.

Referendum 35 narrows the basis for selection, excluding the well-qualified candidates simply because they have the wrong political affiliation or because they are "independent."

While the governor can be held accountable to all the people of the state for a poor selection, the state central committee of a political party has no such accountability.

Referendum 35 is bad. It deprives the people of control in

order to turn that control over to a handful of political party leaders.

## Rebuttal of Statement for

**VOTE AGAINST BACKROOM POLITICS!** State political committees are chosen by a few political persons who make political decisions and who are accountable to **no one**. They are **not** elected by the people. Governors are elected by the people and **are** accountable to **all** the people. The supporters of Referendum 35 have given no reason for what might be the most important reason to vote against this proposal—it would delay the election of a United States Senator for as long as 27 months!

### Voters' Pamphlet Statement Prepared by:

GEORGE SCOTT, State Senator, Republican; and IRVING NEWHOUSE, State Representative, Republican.

tive for any reason shall be adjudged invalid, this shall not invalidate the remainder of this initiative but shall be confined in its operation to the section, subdivision of a section, paragraph, sentence, clause or word of the initiative directly involved in the controversy in which such judgment shall have been rendered. If any fee or tax imposed under this initiative shall be adjudged invalid as to any person, corporation, association, institution or class of persons, corporations, institutions or associations included within the scope of the general language of this initiative such invalidity shall not affect the liability of any person, corporation, association, institution or class of persons, corporations, institutions, or associations as to which such fee or tax has not been adjudged invalid. It is hereby expressly declared that had any section, subdivision of a section, paragraph, sentence, clause, word or any person, corporation, institution, association or class of persons, corporations, institutions or associations as to which this initiative is declared invalid been eliminated from the initiative at the time the same was considered the initiative would have nevertheless been enacted with such portions eliminated.

In the event the compensating tax imposed pursuant to section 82A-5 is declared invalid, it is nevertheless the intention of the people that all other provisions of this initiative would have been enacted without such section and intend that such section is severable.



COMPLETE TEXT OF

## Initiative Measure 316

TO THE PEOPLE

AN ACT Relating to crimes and punishments; adding new sections to chapter 9A.32 RCW; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9A.32 RCW a new section to read as follows:

**AGGRAVATED MURDER IN THE FIRST DEGREE.** A person is guilty of aggravated murder in the first degree when he commits murder in the first degree as defined in RCW 9A.32.030 under or accompanied by any of the following circumstances:

(1) The victim was a law enforcement officer or fire fighter and was performing his or her official duties at the time of the killing.

(2) At the time of the act resulting in the death, the defendant was serving a term of imprisonment in a state correctional institution.

(3) The defendant committed the murder pursuant to an agreement that he receive money or other thing of value for committing the murder.

(4) The defendant had solicited another to commit the murder and had paid or agreed to pay such person money or other thing of value for committing the murder.

(5) The defendant committed the murder with intent to conceal the commission of a crime, or to protect or conceal the identity of any person committing the same, or with intent to delay, hinder or obstruct the administration of justice by preventing any person from being a witness or producing evidence in any investigation or proceeding authorized by law or by influencing any person's official action as a juror.

(6) There was more than one victim and the said murders were part of a common scheme or plan, or the result of a single act of the defendant.

(7) The defendant committed the murder in the course of or in furtherance of the crime of rape or kidnapping or in immediate flight therefrom.

NEW SECTION. Sec. 2. There is added to chapter 9A.32 RCW a new section to read as follows:

**AGGRAVATED MURDER IN THE FIRST DEGREE—PENALTY.** A person found guilty of aggravated murder in the first degree as defined in section 1 of this act, shall be punished by the mandatory sentence of death. Once a person is found guilty of aggravated murder in the first degree, as defined in section 1 of this act, neither the court nor the jury shall have the discretion to suspend or defer the imposition or execution of the sentence of death. Such sentence

shall be automatic upon any conviction of aggravated first degree murder. The death sentence shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof: PROVIDED, That the time of such execution shall be set by the trial judge at the time of imposing sentence and as a part thereof.

NEW SECTION. Sec. 3. There is added to chapter 9A.32 RCW a new section to read as follows:

**AGGRAVATED MURDER IN THE FIRST DEGREE—LIFE IMPRISONMENT.** In the event that the governor commutes a death sentence or in the event that the death penalty is held to be unconstitutional by the United States supreme court or the supreme court of the state of Washington in any of the circumstances specified in section 1 of this act, the penalty for aggravated murder in the first degree in those circumstances shall be imprisonment in the state penitentiary for life. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner or reduce the period of confinement nor release the convicted person as a result of any automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release or furlough program.

NEW SECTION. Sec. 4. There is added to chapter 9A.32 RCW a new section to read as follows:

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. The section captions as used in this act are for organizational purposes only and shall not be construed as part of the law.



COMPLETE TEXT OF

## Referendum Bill 35

Chapter 89, Laws of 1975, 1st ex. sess.

AN ACT Relating to United States senators; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; and providing for the submission of this act to a vote of the people.

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

Section 1. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy happens in the representation of this state in the senate of the United States the governor shall make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election occurring during an even-numbered year. Such temporary appointment shall be from a list of three names submitted to the governor by the state central committee of the same political party as the senator holding office prior to the vacancy. A vacancy occurring after the first day for filing specified in RCW 29.18.030 and prior to the general state election shall be filled by election at the next ensuing general state election occurring during an even-numbered year.

NEW SECTION. Sec. 2. This amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1975, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.