

HOUSE OF REPRESENTATIVES
Olympia Washington

BilAnalysis

Bill No. HB 2031

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PublicArg:3/5/97

RepresentatiBeldt
Sponsor

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BACKGROUND:

The state constitution directly grants state voters general initiative and referendum powers on state matters but does not grant local voters general powers of initiative and referendum on local matters.

City voters may obtain general initiative and referendum power on city matters under the three following procedures:

- o The state constitution allows the voters of any city with a population of 10,000 or more to approve a city charter and statutes expressly allow city charters to include provisions granting city voters general initiative and referendum powers on city matters.
- o Statutes grant the voters of any non-code city operating with a commission plan of government general powers of initiative and referendum on city matters.
- o Statutes authorize procedures by which voters of any city or town may reorganize as a code city and acquire general powers of initiative and referendum on city matters.

The state constitution allows voters of any county to approve a county home rule charter. Although no constitutional or statutory provisions exist expressly authorizing a county charter to include provisions granting county voters initiative and referendum power on county matters each one of the five existing county charters includes such provisions.

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SUMMARY:

Voters of every county are granted initiative and referendum powers on county ordinances and resolutions. The procedure for county voters to exercise these initiative and referendum powers are very similar to existing provisions for voters of cities with a commission form of government concerning ordinances, except for major policy matters such as including matters of a much broader scope to be subjected to initiative and referendum and requiring a lesser percentage of signatures on a petition to submit the ballot proposition to voters.

If a county charter provides for initiative and referendum powers on county matters, the charter provisions apply and not the provisions in this legislation.

A county ordinance or resolution becomes effective 30 days after it is adopted by the county legislative authority during which a referendum petition may be filed by county voters. However, an ordinance or resolution adopted by initiative or an emergency ordinance or resolution adopted by unanimous vote of the county legislative authority is not subject to referendum.

An initiative or referendum petition must be signed by county voters equal in number to at least 15 percent of the number of "votes cast at the last preceding county general election" (sic number of voters voting at the last preceding county general election??).

If the county auditor finds the number of signatures to be insufficient, additional petitions signed by registered voters may be submitted over the next 10 days.

If a referendum petition is filed that has been signed by the required number of county voters, the county legislative authority either repeals the ordinance in its entirety or submits the ordinance that was subject to the referendum to the county voters for their approval or rejection. If an initiative petition is filed that has been signed by the required number of county voters, the county legislative authority either adopts the ordinance or submits the proposed ordinance to county voters.

A referendum or initiative proposition submitted to county voters at the next special election that occurs not less than 45 days after the county auditor certifies the sufficiency of the petition and the county legislative authority does not adopt the proposed ordinance or repeal the ordinance that is being subjected to referendum. However, no more than one special election shall be called for such purpose during any six-month period. Provisions are made for special notice of the election to be published at least 20 days prior to the election.

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If a majority of the votes cast favor the proposed ordinance or resolution, it shall become effective immediately.

The county legislative authority may submit an ordinance or resolution to county voters to repeal or amend an ordinance or resolution adopted by initiative or referendum, or any new ordinance or resolution adopted by initiative or referendum. By inference, this could mean that an ordinance or resolution approved by initiative or referendum could not be amended or repealed by vote of the county legislative authority.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.