
HOUSE BILL 2031

State of Washington

55th Legislature

1997 Regular Session

By Representative Boldt

Read first time 02/18/97. Referred to Committee on Government Administration.

1 AN ACT Relating to the powers of initiative and referendum within
2 counties; and adding new sections to chapter 36.01 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.01 RCW
5 to read as follows:

6 (1) The voters and legislative authority of each county may
7 exercise within the county the powers of initiative and referendum as
8 provided in sections 1 through 5 of this act.

9 (2) Ordinances and resolutions of counties shall not go into effect
10 before thirty days from the time of final passage and are subject to
11 referendum during the interim except:

12 (a) Ordinances and resolutions initiated by petition; and

13 (b) Ordinances and resolutions necessary for immediate preservation
14 of public peace, health, or safety or for the support of county
15 government and its existing public institutions that contain a
16 statement of urgency and are passed by unanimous vote of the county
17 legislative authority.

18 (3) For any county with charter provisions concerning initiative
19 and referendum that vary from the provisions of sections 1 through 5 of

1 this act, the charter provisions shall control the operation of
2 initiative and referendum within that county.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW
4 to read as follows:

5 (1) Upon the filing of a referendum petition praying therefor, the
6 county legislative authority shall reconsider an ordinance or
7 resolution subject to referendum and upon reconsideration shall defeat
8 it in its entirety or shall submit it to a vote of the people. The
9 operation of an ordinance or resolution so protested against shall be
10 suspended until the referendum petition is finally found insufficient
11 or until the ordinance or resolution protested against has received a
12 majority of the votes cast thereon at the election.

13 (2) All provisions applicable to the character, form, and number of
14 signatures required for an initiative petition, to the examination and
15 certification thereof, and to the submission to the vote of the people
16 of the ordinance or resolution proposed thereby, shall apply to a
17 referendum petition and to the ordinance or resolution sought to be
18 defeated thereby.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
20 to read as follows:

21 Ordinances and resolutions may be initiated by petition of the
22 voters of the county filed with the legislative authority. If the
23 petition accompanying the proposed ordinance or resolution is signed by
24 the registered voters in the county equal in number to fifteen percent
25 of the votes cast at the last preceding county general election, and if
26 it contains a request that, unless passed by the legislative authority,
27 the ordinance or resolution be submitted to a vote of the people, the
28 legislative authority shall either:

29 (1) Pass the proposed ordinance or resolution without alteration
30 within twenty days after the county auditor's certificate that the
31 number of signatures on the petition are sufficient; or

32 (2) Immediately after the auditor's certificate of sufficiency is
33 attached to the petition, cause to be called a special election to be
34 held on the next special election date identified in RCW 29.13.010 that
35 is not less than forty-five days thereafter for submission of the
36 proposed ordinance or resolution, without alteration, to a vote of the
37 people.

1 (3) Every signer to a petition submitting a proposed ordinance or
2 resolution to the county legislative authority shall in addition to the
3 signature include his or her place of residence giving street and
4 number. The signatures need not all be appended to one paper, but one
5 of the signers on each paper must attach thereto an affidavit stating
6 the number of signatures thereon, that each signature thereon is a
7 genuine signature of the person whose name it purports to be and that
8 the statements made are true to the best of his or her knowledge.

9 (4) Within ten days from the filing of a petition submitting a
10 proposed ordinance or resolution, the county auditor shall ascertain
11 and append to the petition a certificate stating whether or not it is
12 signed by a sufficient number of registered voters, using the
13 registration records and returns of the preceding county general
14 election as sources of information, and the county legislative
15 authority shall allow the auditor extra help for that purpose, if
16 necessary. If the signatures are found by the auditor to be
17 insufficient the petition may be amended in that respect within ten
18 days from the date of the certificate. Within ten days after
19 submission of the amended petition the auditor shall make an
20 examination thereof and append the certificate thereto in the same
21 manner as before. If the second certificate also shows the number of
22 signatures to be insufficient, the petition shall be returned to the
23 person filing it.

24 (5) If the county auditor finds the petition insufficient or if the
25 county legislative authority refuses either to pass an initiative
26 ordinance or resolution or order an election thereon, any taxpayer may
27 commence an action in the superior court against the county and procure
28 a decree ordering an election to be held in the county for the purpose
29 of voting upon the proposed ordinance or resolution if the court finds
30 the petition to be sufficient.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
32 to read as follows:

33 (1) Publication of notice, the election, the canvass of the
34 returns, and declaration of the results shall be conducted in all
35 respects as are other county elections. Any number of proposed
36 ordinances or resolutions may be voted on at the same election, but
37 there shall not be more than one special election for that purpose
38 during any one six-month period.

1 (2) The county auditor shall cause any ordinance, resolution, or
2 proposition required to be submitted to the voters at an election to be
3 published once in each of the daily newspapers in the county not less
4 than five nor more than twenty days before the election, or if no daily
5 newspaper is published in the county, publication shall be made in each
6 of the weekly newspapers published in the county. This publication
7 shall be in addition to the notice required in chapter 29.27 RCW.

8 (3) The ballots used for voting upon a proposed ordinance or
9 resolution shall be similar to those used at a general county election
10 in that county and shall contain the words "for the ordinance" or "for
11 the resolution" (stating the nature of the proposed ordinance or
12 resolution) and "against the ordinance" or "against the resolution"
13 (stating the nature of the proposed ordinance or resolution).

14 (4) If a majority of the votes cast thereon favor the proposed
15 ordinance or resolution, it shall become effective immediately and
16 shall be made a part of the record of ordinances or resolutions of the
17 county.

18 (5) Upon the adoption of an ordinance or resolution initiated by
19 petition, the county auditor shall write on the margin of the record
20 thereof "ordinance (or resolution) by petition No.," or
21 "ordinance (or resolution) by vote of the people," and it cannot be
22 repealed or amended except by a vote of the people.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.01 RCW
24 to read as follows:

25 (1) The county legislative authority may by means of an ordinance
26 or resolution submit a proposition for the repeal or amendment of an
27 ordinance or resolution initiated by petition, or may refer any new
28 ordinance or resolution to the voters, by submitting it to a vote of
29 the people at any special election following the procedures specified
30 in section 3(2) of this act and if a majority of the votes cast upon
31 the proposition favor it, the ordinance or resolution shall be adopted,
32 repealed, or amended accordingly.

33 An ordinance or resolution referred to the voters and a proposition
34 of repeal or amendment must be published before the election thereon as
35 is an ordinance or resolution initiated by petition when submitted to
36 election.

37 (2) Upon the adoption of a proposition to repeal or amend an
38 ordinance or resolution initiated by petition, the county auditor shall

1 write upon the margin of the record of the ordinance or resolution
2 "repealed (or amended) by ordinance (or resolution) No.," or
3 "repealed (or amended) by vote of the people."

4 Upon the adoption by majority vote of an ordinance or resolution
5 referred to the voters by the county legislative authority, it shall be
6 become effective immediately and shall be made a part of the record of
7 ordinances or resolutions of the county.

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