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SENATE BILL 5069

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State of Washington

55th Legislature

1997 Regular Session

By Senators McCaslin and Haugen

Read first time 01/14/97. Referred to Committee on Government Operations.

1 AN ACT Relating to the powers of initiative and referendum within  
2 counties that are not home rule charter counties; and adding new  
3 sections to chapter 36.01 RCW.

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

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

7 The voters of each county may exercise within the county the powers  
8 of initiative and referendum as provided in sections 1 through 3 of  
9 this act. The powers of initiative and referendum as provided in  
10 sections 1 through 3 of this act may not be used to alter or avoid  
11 duties mandated by state law or state agency rule.

12 Sections 1 through 3 of this act do not apply in any county with  
13 charter provisions concerning initiative and referendum.

14 Sections 1 through 3 of this act may not be construed to affect  
15 special local referendum procedures provided in state law.

16 The county legislative authority shall by ordinance establish the  
17 form of the initiative and referendum petitions and establish  
18 procedures for the circulation and signing of petitions.

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

3        (1) Except as limited by section 1 of this act and this section,  
4 any ordinance or amendment to an ordinance may be proposed by filing  
5 with the county auditor an initiative petition. No ordinance enacted  
6 as a result of initiative may be amended or repealed within two years  
7 after enactment except as a result of a subsequent initiative or  
8 referendum or by a unanimous vote of the entire membership of the  
9 county legislative authority.

10        (2) Ordinances providing for the compensation or working conditions  
11 of county employees, redistricting of commissioner districts,  
12 authorization or repeal of any appropriation of money or any portion of  
13 the annual budget, and authorization or repeal of taxes or fees, shall  
14 not be subject to the initiative.

15        (3)(a) Any registered voter of the county may file an initiative  
16 proposal with the county auditor, who within five working days after  
17 filing shall confer with the petitioner to review the proposal as to  
18 form and style and transmit a copy of the proposal to the prosecuting  
19 attorney. The county auditor shall give the proposed initiative a  
20 number, which shall thereafter be the identifying number for the  
21 measure.

22        (b) The county prosecuting attorney shall confer with the  
23 petitioner to review the legal aspects of the proposal. Within ten  
24 working days of receipt of the proposal, the county prosecuting  
25 attorney shall compose a concise statement, posed as a positive  
26 question, not to exceed twenty-five words, which shall express and give  
27 a true and impartial statement of the purpose of the initiative  
28 proposal. Such concise statement shall be the ballot title.

29        (c) The petitioner then has ninety days after the ballot title has  
30 been composed to collect the signatures of the registered voters of the  
31 county equal in number to not less than eighteen percent of the number  
32 of votes cast in the county for the office of governor at the last  
33 gubernatorial election. Each petition shall contain the full text of  
34 the proposed measure and the ballot title.

35        (d) The county auditor shall verify the sufficiency of the  
36 signatures on the petition, and if it is validated, submit the  
37 initiative proposal to the people at the next general or special  
38 election that is not less than one hundred twenty days after the  
39 submission of the petitions for signature verification, unless the

1 county legislative authority enacts the proposal without change or  
2 amendment. If the proposal is enacted without change or amendment, the  
3 proposal is subject to referendum.

4 (e) If the county legislative authority does not adopt the proposed  
5 measure and adopts a substitute measure concerning the same subject  
6 matter, the substitute proposal shall be placed on the same ballot with  
7 the initiative proposal; the voters shall be given the choice of  
8 accepting either or rejecting both and then be given the choice of  
9 accepting one and rejecting the other. If a majority of the voters  
10 voting on the first issue is for accepting either, then the measure  
11 receiving the majority of the votes cast on the second issue shall be  
12 deemed approved. If a majority of those voting on the first issue is  
13 for rejecting both, then neither measure shall be approved regardless  
14 of the vote on the second issue.

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

17 (1) The legislative authority of each county by ordinance may refer  
18 any proposed or enacted ordinance to the voters for their approval or  
19 rejection at a general or special election. If a proposed ordinance is  
20 approved by a majority voting on the issue, it shall become effective  
21 ten days after the results of the election are certified unless a later  
22 date is specified in the ordinance. If an enacted ordinance is not  
23 approved by a majority voting on the issue, it shall cease to be  
24 effective ten days after the results of the election are certified  
25 unless the ordinance referring the enacted ordinance to the voters  
26 specified a later date.

27 (2)(a) A referendum may be ordered on any ordinance or part thereof  
28 enacted by the county legislative authority except as follows:  
29 Emergency ordinances and ordinances or portions of ordinances providing  
30 for the compensation or working conditions of county employees,  
31 authorizing or repealing any appropriations of money or any portion of  
32 the annual budget, and authorizing or repealing taxes or fees, shall  
33 not be subject to referendum. Upon validation of a referendum  
34 petition, the ordinance or part thereof shall be ineffective pending  
35 the outcome of the referendum procedure. A referendum petition against  
36 one or more sections of any ordinance shall delay only those sections  
37 from taking effect.

1 (b)(i) Any registered voter of the county may file a referendum  
2 proposal against any enacted ordinance, or portion thereof, with the  
3 county auditor within fifteen days after the ordinance is passed by the  
4 county legislative authority.

5 (ii) Within five working days after filing the county auditor shall  
6 confer with the petitioner to review the proposal as to form and style  
7 and transmit a copy of the proposal to the prosecuting attorney. The  
8 county auditor shall give the referendum proposal a number, which  
9 thereafter shall be the identifying number for the measure. The county  
10 prosecuting attorney shall within ten working days of receipt of the  
11 proposal compose a concise statement, posed as a positive question, not  
12 to exceed twenty-five words, which shall express and give a true and  
13 impartial statement of the referendum proposal. Such concise statement  
14 shall be the ballot title.

15 (iii) The petitioner then has sixty days after the ballot title has  
16 been composed to collect the signatures of the registered voters of the  
17 county equal in number to not less than fifteen percent of the number  
18 of votes cast in the county for the office of governor at the last  
19 gubernatorial election. Each petition shall contain the full text of  
20 the proposed measure and the ballot title.

21 (iv) The county auditor shall verify the sufficiency of the  
22 signatures on the petition, and if it is validated, submit the  
23 referendum proposal to the people at the next general or special  
24 election that is not less than ninety days after the submission of the  
25 petitions for signature verification.

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