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**SUBSTITUTE HOUSE BILL 2587**

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**State of Washington****56th Legislature****2000 Regular Session****By** House Committee on State Government (originally sponsored by Representatives Kagi and Lambert; by request of Attorney General)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to ballot titles; amending RCW 29.79.040,  
2 29.79.050, 29.79.060, 29.79.070, 29.79.290, 29.27.065, 29.79.055, and  
3 29.27.067; adding a new section to chapter 29.79 RCW; adding new  
4 sections to chapter 29.27 RCW; creating a new section; recodifying RCW  
5 29.79.055; and repealing RCW 29.27.060, 29.79.260, 29.79.310, and  
6 29.79.320.

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

8 **PART I - STATE INITIATIVES AND REFERENDUMS**

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW  
10 to read as follows:

11 (1) The ballot title for an initiative to the people, an initiative  
12 to the legislature, a referendum bill, or a referendum measure consists  
13 of: (a) A statement of the subject of the measure; (b) a concise  
14 description of the measure; and (c) a question in the form prescribed  
15 in this section for the ballot measure in question. The statement of  
16 the subject of a measure must be sufficiently broad to reflect the  
17 subject of the measure, sufficiently precise to give notice of the  
18 measure's subject matter, and not exceed ten words. The concise

1 description must contain no more than thirty words, be a true and  
2 impartial description of the measure's essential contents, clearly  
3 identify the proposition to be voted on, and not, to the extent  
4 reasonably possible, create prejudice either for or against the  
5 measure.

6 (2) For an initiative to the people, or for an initiative to the  
7 legislature for which the legislature has not proposed an alternative,  
8 the ballot title must be displayed on the ballot substantially as  
9 follows:

10 "Initiative Measure No. . . . concerns (statement of subject).  
11 This measure would (concise description). Should this measure  
12 be enacted into law?

13 Yes . . . . . 1  
14 No . . . . . 1 "

15 (3) For an initiative to the legislature for which the legislature  
16 has proposed an alternative, the ballot title must be displayed on the  
17 ballot substantially as follows:

18 "Initiative Measure Nos. . . . and . . .B concern (statement of  
19 subject).

20 Initiative Measure No. . . . would (concise description).

21 As an alternative, the legislature has proposed Initiative  
22 Measure No. . . .B, which would (concise description).

23 1. Should either of these measures be enacted into law?

24 Yes . . . . . 1  
25 No . . . . . 1

26 2. Regardless of whether you voted yes or no above, if one of  
27 these measures is enacted, which one should it be?

28 Measure No. . . . . 1  
29 or

30 Measure No. . . . . 1 "

31 (4) For a referendum bill submitted to the people by the  
32 legislature, the ballot issue must be displayed on the ballot  
33 substantially as follows:

1 "The legislature has passed .... Bill No. ... concerning  
2 (statement of subject). This bill would (concise description).  
3 Should this bill be:

4 Approved . . . . . 1  
5 Rejected . . . . . 1 "

6 (5) For a referendum measure by state voters on a bill the  
7 legislature has passed, the ballot issue must be displayed on the  
8 ballot substantially as follows:

9 "The legislature passed ... Bill No. ... concerning (statement of  
10 subject) and voters have filed a sufficient referendum petition on this  
11 bill. This bill would (concise description). Should this bill be:

12 Approved . . . . . 1  
13 Rejected . . . . . 1 "

14 (6) The legislature may specify the statement of subject or concise  
15 description, or both, in a referendum bill that it refers to the  
16 people. The legislature may specify the concise description for an  
17 alternative it submits for an initiative to the legislature. If the  
18 legislature fails to specify these matters, the attorney general shall  
19 prepare the material that was not specified. The statement of subject  
20 and concise description as so provided must be included as part of the  
21 ballot title unless changed on appeal.

22 The attorney general shall specify the statement of subject and  
23 concise description for an initiative to the people, an initiative to  
24 the legislature, and a referendum measure. The statement of subject  
25 and concise description as so provided must be included as part of the  
26 ballot title unless changed on appeal.

27 **Sec. 2.** RCW 29.79.040 and 1993 c 256 s 9 are each amended to read  
28 as follows:

29 Within (~~seven calendar~~) five days after the receipt of an  
30 initiative or referendum (~~measure~~) the attorney general shall  
31 formulate (~~and transmit to the secretary of state the concise~~  
32 ~~statement~~) the ballot title, or portion of the ballot title that the  
33 legislature has not provided, required by (~~RCW 29.27.060 or 29.79.055~~  
34 ~~bearing the serial number of the measure~~) section 1 of this act and a  
35 summary of the measure, not to exceed seventy-five words, (~~to follow~~  
36 ~~the statement. The statement may be distinct from the legislative~~

1 title of the measure, and shall give a true and impartial statement of  
2 the purpose of the measure. Neither the statement nor the summary may  
3 intentionally be an argument, nor likely to create prejudice, either  
4 for or against the measure. Except as provided for in RCW 29.79.055,  
5 such a concise statement shall constitute the ballot title. The ballot  
6 title or, for a referendum on a state enactment, the concise statement  
7 formulated by the attorney general shall be the ballot title of or  
8 concise statement describing the measure unless changed on appeal.  
9 When practicable, the question posed by the ballot title shall be  
10 written in such a way that an affirmative answer to such question and  
11 an affirmative vote on the measure would result in a change in then  
12 current law, and a negative answer to the question and a negative vote  
13 on the measure would result in no change to then current law)) and  
14 transmit the serial number for the measure, complete ballot title, and  
15 summary to the secretary of state. Saturdays, Sundays, and legal  
16 holidays are not counted in calculating the time limits in this  
17 section.

18 **Sec. 3.** RCW 29.79.050 and 1982 c 116 s 5 are each amended to read  
19 as follows:

20 Upon the filing of the ballot title and summary for ((an)) a state  
21 initiative or referendum measure in ((his)) the office of secretary of  
22 state, the secretary of state shall ((forthwith)) notify by telephone  
23 and by mail, and, if requested, by other electronic means, the person  
24 proposing the measure, the prime sponsor of a referendum bill or  
25 alternative to an initiative to the legislature, the chief clerk of the  
26 house of representatives, the secretary of the senate, and any other  
27 individuals who have made written request for such notification of the  
28 exact language of the ballot title and summary.

29 **Sec. 4.** RCW 29.79.060 and 1982 c 116 s 6 are each amended to read  
30 as follows:

31 ((If)) Any persons ((is)), including the attorney general or either  
32 or both houses of the legislature, dissatisfied with the ballot title  
33 or summary ((formulated by the attorney general, he or she)) for a  
34 state initiative or referendum may, within five days from the filing of  
35 the ballot title in the office of the secretary of state appeal to the  
36 superior court of Thurston county by petition setting forth the  
37 measure, the ballot title or summary ((formulated by the attorney

1 ~~general~~)), and (~~his or her~~) their objections to the ballot title or  
2 summary and requesting amendment of the ballot title or summary by the  
3 court. Saturdays, Sundays, and legal holidays are not counted in  
4 calculating the time limits contained in this section.

5 A copy of the petition on appeal together with a notice that an  
6 appeal has been taken shall be served upon the secretary of state, upon  
7 the attorney general, and upon the person proposing the measure if the  
8 appeal is initiated by someone other than that person. Upon the filing  
9 of the petition on appeal or at the time to which the hearing may be  
10 adjourned by consent of the appellant, the court shall accord first  
11 priority to examining the proposed measure, the ballot title or summary  
12 (~~prepared by the attorney general~~)), and the objections to that ballot  
13 title or summary, may hear arguments, and shall, within five days,  
14 render its decision and file with the secretary of state a certified  
15 copy of such ballot title or summary as it determines will meet the  
16 requirements of RCW (~~29.27.060 and~~) 29.79.040. The decision of the  
17 superior court shall be final. Such appeal shall be heard without  
18 costs to either party.

19 **Sec. 5.** RCW 29.79.070 and 1982 c 116 s 7 are each amended to read  
20 as follows:

21 When the ballot title and summary are finally established, the  
22 secretary of state shall file the instrument establishing it with the  
23 proposed measure and transmit a copy thereof by mail to the person  
24 proposing the measure, the chief clerk of the house of representatives,  
25 the secretary of the senate, and to any other individuals who have made  
26 written request for such notification. Thereafter such ballot title  
27 shall be the title of the measure in all petitions, ballots, and other  
28 proceedings in relation thereto. The summary shall appear on all  
29 petitions directly following the ballot title.

30 **Sec. 6.** RCW 29.79.290 and 1965 c 9 s 29.79.290 are each amended to  
31 read as follows:

32 For a measure designated (~~by him~~) as "Alternative Measure No.  
33 . . . B," the secretary of state shall obtain from the measure  
34 adopting the alternative, or otherwise the attorney general (~~a ballot~~  
35 ~~title in the manner provided for obtaining ballot titles for initiative~~  
36 ~~measures. The ballot title therefor shall be different from the ballot~~  
37 ~~title of the measure in lieu of which it is proposed, and shall~~

1 indicate)), a concise description of the alternative measure that  
2 differs from the concise description of the original initiative and  
3 indicates as clearly as possible((7)) the essential differences ((in))  
4 between the two measures.

5 **PART II - CONSTITUTION**  
6 **AND OTHER STATE BALLOT PROPOSITIONS**

7 NEW SECTION. Sec. 7. A new section is added to chapter 29.27 RCW  
8 to read as follows:

9 (1) When a proposed constitutional amendment is to be submitted to  
10 the people of the state for state-wide popular vote, the ballot title  
11 consists of: (a) A statement of the subject of the amendment; (b) a  
12 concise description of the amendment; and (c) a question in the form  
13 prescribed in this section. The statement of the subject of a  
14 constitutional amendment must be sufficiently broad to reflect the  
15 nature of the amendment, sufficiently precise to give notice of the  
16 amendment's subject matter, and not exceed ten words. The concise  
17 description must contain no more than thirty words, give a true and  
18 impartial description of the amendment's essential contents, clearly  
19 identify the amendment to be voted on, and not, to the extent  
20 reasonably possible, create prejudice either for or against the  
21 amendment.

22 The ballot title for a proposed constitutional amendment must be  
23 displayed on the ballot substantially as follows:

24 "The legislature has proposed a constitutional amendment on  
25 (statement of subject). This amendment would (concise  
26 description). Should this constitutional amendment be:

27 Approved . . . . . l  
28 Rejected . . . . . l "

29 (2) When a proposed new constitution is submitted to the people of  
30 the state by a constitutional convention for state-wide popular vote,  
31 the ballot title consists of: (a) A concise description of the new  
32 constitution; and (b) a question in the form prescribed in this  
33 section. The concise description must contain no more than thirty  
34 words, give a true and impartial description of the new constitution's  
35 essential contents, clearly identify the proposed constitution to be

1 voted on, and not, to the extent reasonably possible, create prejudice  
2 either for or against the new constitution.

3 The ballot title for a proposed new constitution must be displayed  
4 on the ballot substantially as follows:

5 "The constitutional convention approved a new proposed state  
6 constitution that (concise description). Should this proposed  
7 constitution be:

8 Approved . . . . . 1  
9 Rejected . . . . . 1 "

10 (3) The legislature may specify the statement of subject or concise  
11 description, or both, in a constitutional amendment that it submits to  
12 the people. If the legislature fails to specify the statement of  
13 subject or concise description, or both, the attorney general shall  
14 prepare the material that was not specified. The statement of subject  
15 and concise description as so provided must be included as part of the  
16 ballot title unless changed on appeal.

17 The attorney general shall specify the concise description for a  
18 proposed new constitution that is submitted to the people by a  
19 constitutional convention, and the concise description as so provided  
20 must be included as part of the ballot title unless changed on appeal.

21 (4) The secretary of state shall certify to the county auditors the  
22 ballot title for a proposed constitution, constitutional amendment, or  
23 other state-wide question at the same time and in the same manner as  
24 the ballot titles to initiatives and referendums.

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 29.27 RCW  
26 to read as follows:

27 The ballot title for a constitutional amendment or proposed  
28 constitution must be filed with the secretary of state in the same  
29 manner as the ballot title and summary for a state initiative or  
30 referendum are filed.

31 **Sec. 9.** RCW 29.27.065 and 1993 c 256 s 11 are each amended to read  
32 as follows:

33 Upon the filing of a ballot title (~~as defined in RCW 29.27.060 or~~  
34 ~~a concise statement as required under RCW 29.79.055~~) under section 7  
35 or 10 of this act, the secretary of state(~~, in the event it is a state~~  
36 ~~question, or the county auditor in the event it is a county or other~~

1 ~~local question, shall forthwith notify the persons proposing the~~  
2 ~~measure of the)) shall provide notice of the exact language of the~~  
3 ~~ballot title and summary to the chief clerk of the house of~~  
4 ~~representatives, the secretary of the senate, and the prime sponsor of~~  
5 ~~measure.~~

6 NEW SECTION. Sec. 10. A new section is added to chapter 29.27 RCW  
7 to read as follows:

8 (1) If the legislature submits a question to the people for a  
9 state-wide popular vote that is not governed by section 1 or 7 of this  
10 act, the ballot title on the question consists of: (a) A description  
11 of the subject; and (b) a question in the form prescribed in this  
12 section. The statement of the subject of the question must be  
13 sufficiently broad to reflect the subject of the question, sufficiently  
14 precise to give notice of the question's subject matter, and not exceed  
15 ten words. The question must contain no more than thirty words.

16 The ballot title for such a question must be displayed on the  
17 ballot substantially as follows:

18 "The following question concerning (description of subject) has  
19 been submitted to the voters: (Question as submitted).

20 Yes . . . . . 1  
21 No . . . . . 1 "

22 (2) The legislature may specify the statement of subject for a  
23 question and shall specify the question that it submits to the people.  
24 If the legislature fails to specify the statement of subject, the  
25 attorney general shall prepare the statement of subject. The statement  
26 of subject and question as so provided must be included as part of the  
27 ballot title unless changed on appeal.

28 NEW SECTION. Sec. 11. A new section is added to chapter 29.27 RCW  
29 to read as follows:

30 If any persons are dissatisfied with the ballot title for a  
31 proposed constitution, constitutional amendment, or question submitted  
32 under section 10 of this act, they may at any time within ten days from  
33 the time of the filing of the ballot title and summary, not including  
34 Saturdays, Sundays, or legal holidays, appeal to the superior court of  
35 Thurston county by petition setting forth the measure, the ballot title  
36 objected to, their objections to it, and praying for amendment of the



1 ballot title. The time of the filing of the ballot title, as used in  
2 this section for establishing the time for appeal, is the time the  
3 ballot title is first filed with the secretary of state.

4 A copy of the petition on appeal together with a notice that an  
5 appeal has been taken must be served upon the secretary of state, the  
6 attorney general, the chief clerk of the house of representatives, and  
7 the secretary of the senate. Upon the filing of the petition on  
8 appeal, the court shall immediately, or at the time to which a hearing  
9 may be adjourned by consent of the appellants, examine the proposed  
10 measure, the ballot title filed, and the objections to it and may hear  
11 arguments on it, and shall as soon as possible render its decision and  
12 certify to and file with the secretary of state a ballot title that it  
13 determines will meet the requirements of this chapter. The decision of  
14 the superior court is final, and the ballot title so certified will be  
15 the established ballot title. The appeal must be heard without cost to  
16 either party.

17 **PART III - LOCAL MEASURES**

18 **Sec. 12.** RCW 29.79.055 and 1993 c 256 s 7 are each amended to read  
19 as follows:

20 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
21 or 82.80.090, the ballot title of any referendum filed on an enactment  
22 or portion of an enactment (~~of the state legislature or of the~~  
23 ~~legislative authority of a unit~~) of a local government (~~shall be~~  
24 ~~composed~~) and any other question submitted to the voters of a local  
25 government consists of three elements: (a) An identification of the  
26 enacting legislative body and a statement of the subject matter; (b) a  
27 concise (~~statement identifying the essential features of the enactment~~  
28 ~~on which the referendum is filed~~; and (c) a question asking the voters  
29 whether the enactment should be approved or rejected by the people.  
30 The ballot issue shall be displayed on the ballot substantially as  
31 follows:

32 ~~Referendum Measure No. XX. The (name of legislative body) has passed~~  
33 ~~a law that (concise statement). Should this law be~~

34 APPROVED . . . . .

35 OR

36 REJECTED . . . . .

1       ~~(2) For a referendum measure on a state enactment, the concise~~  
2 ~~statement shall be prepared by the attorney general and shall not~~  
3 ~~exceed twenty five words.~~

4       ~~(3) The concise statement for a referendum measure on an enactment~~  
5 ~~of the legislative authority of a unit of local government shall))~~  
6 description of the measure; and (c) a question. The ballot title must  
7 conform with the requirements and be displayed substantially as  
8 provided under section 1 of this act, except that the concise  
9 description must not exceed seventy-five words. If the local  
10 governmental unit is a city or a town, the concise statement shall be  
11 prepared by the city or town attorney. If the local governmental unit  
12 is a county, the concise statement shall be prepared by the prosecuting  
13 attorney of the county. If the unit is a unit of local government  
14 other than a city, town, or county, the concise statement shall be  
15 prepared by the prosecuting attorney of the county within which the  
16 majority area of the unit is located.

17       ~~((4))~~ (2) A referendum measure on the enactment of a unit of  
18 local government shall be advertised in the manner provided for  
19 nominees for elective office.

20       (3) Subsection (1) of this section does not apply if another  
21 provision of law specifies the ballot title for a specific type of  
22 ballot question or proposition.

23       **NEW SECTION. Sec. 13.** A new section is added to chapter 29.27 RCW  
24 to read as follows:

25       Upon the filing of a ballot title of a question to be submitted to  
26 the people of a county or municipality, the county auditor shall  
27 provide notice of the exact language of the ballot title to the persons  
28 proposing the measure, the county or municipality, and to any other  
29 person requesting a copy of the ballot title.

30       **Sec. 14.** RCW 29.27.067 and 1993 c 256 s 12 are each amended to  
31 read as follows:

32       If ~~((the persons filing any state or local question covered by RCW~~  
33 ~~29.27.060 or 29.79.055))~~ any persons are dissatisfied with the ballot  
34 title ~~((or concise statement))~~ for a local ballot measure that was  
35 formulated by the ~~((attorney general,))~~ city attorney~~((,))~~ or  
36 prosecuting attorney preparing the same, they may at any time within  
37 ten days from the time of the filing of the ballot title ~~((or~~

1 ~~statement)), not including Saturdays, Sundays, and legal holidays,~~  
2 ~~appeal to the superior court of ((Thurston county if it is a state wide~~  
3 ~~question, or to the superior court of)) the county where the question~~  
4 ~~is to appear on the ballot, ((if it is a county or local question,)) by~~  
5 ~~petition setting forth the measure, the ballot title ((or statement))~~  
6 ~~objected to, their objections to it, and praying for amendment~~  
7 ~~((thereof)) of it. The time of the filing of the ballot title ((or~~  
8 ~~statement)), as used ((herein)) in this section in determining the time~~  
9 ~~for appeal, is the time the ballot title ((or statement)) is first~~  
10 ~~filed with ((the secretary of state, if concerning a state wide~~  
11 ~~question, or)) the county auditor((, if a local question, the secretary~~  
12 ~~of state or the county officer being herein called the "filing~~  
13 ~~officer."))).~~

14 A copy of the petition on appeal together with a notice that an  
15 appeal has been taken shall be served upon the ((~~filing officer~~)  
16 county auditor and the official preparing the ballot title ((~~or~~  
17 ~~statement~~)). Upon the filing of the petition on appeal, the court  
18 shall ((~~forthwith~~) immediately, or at the time to which a hearing may  
19 be adjourned by consent of the appellants, examine the proposed  
20 measure, the ballot title ((~~or concise statement~~)) filed, and the  
21 objections ((~~thereto~~) to it and may hear arguments ((~~thereon~~) on it,  
22 and shall as soon as possible render its decision and certify to and  
23 file with the ((~~filing officer such~~) county auditor a ballot title  
24 ((~~or statement as~~) that it determines will meet the requirements of  
25 this chapter. The decision of the superior court ((~~shall be~~) is  
26 final, and the ballot title or statement so certified ((~~shall~~) will be  
27 the established ballot title ((~~or concise statement~~)). ((~~Such~~) The  
28 appeal ((~~shall~~) must be heard without cost to either party.

29

#### PART IV - TECHNICAL

30 NEW SECTION. **Sec. 15.** The following acts or parts of acts are  
31 each repealed:

32 (1) RCW 29.27.060 (Certification of measures--Ballot titles--  
33 Exceptions) and 1995 c 185 s 1, 1993 c 256 s 8, 1985 c 252 s 1, 1977 c  
34 4 s 3, 1973 1st ex.s. c 118 s 1, & 1965 c 9 s 29.27.060;

35 (2) RCW 29.79.260 (Referendum bills by legislature--Ballot title)  
36 and 1965 c 9 s 29.79.260;

1 (3) RCW 29.79.310 (Form of ballot) and 1982 c 116 s 16 & 1965 c 9  
2 s 29.79.310; and

3 (4) RCW 29.79.320 (Form of ballot for alternative measures) and  
4 1965 c 9 s 29.79.320.

5 NEW SECTION. **Sec. 16.** RCW 29.79.055 is recodified in chapter  
6 29.27 RCW.

7 NEW SECTION. **Sec. 17.** Part headings used in this act are not part  
8 of the law.

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