

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 2587

56th Legislature
2000 Regular Session

Passed by the House February 10, 2000
Yeas 97 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate March 2, 2000
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2587** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

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.

--- END ---