
SENATE BILL 5373

State of Washington

58th Legislature

2003 Regular Session

By Senators Roach, Fairley, Horn, Stevens and Winsley; by request of Secretary of State

Read first time 01/23/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to actions on the validity of ballot measures; and
2 adding a new section to chapter 4.24 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 4.24 RCW
5 to read as follows:

6 (1) No action may lie in a court of this state seeking a ruling as
7 to the validity of an initiative to the people, initiative to the
8 legislature, referendum bill, referendum measure, constitutional
9 amendment, city measure, county measure, charter amendment, county
10 initiative, or city initiative before the certification of the election
11 at which the voters enact or approve the measure, except as provided in
12 this section.

13 (2) An action will lie in a court of competent jurisdiction seeking
14 review of a proposed measure described in subsection (1) of this
15 section to determine whether it is beyond the scope of the initiative
16 or referendum power or otherwise beyond the scope of authority for
17 placing a measure of that kind onto the ballot, except that a court may
18 decline to hear such an action before the certification of the election
19 based upon sound prudential concerns.

1 (3) To provide for the orderly conduct of elections, no such action
2 brought under this section may be commenced during a period that begins
3 at the close of business of the fifth business day after the deadline
4 for the filing of signature petitions and ends when the general
5 election results are certified under RCW 29.62.130. This period is
6 known as the "election period," during which such complaints may not be
7 filed. Nothing contained in this section diminishes or enlarges the
8 jurisdiction of any court of record having jurisdiction over the
9 language or content contained in the ballot measure.

10 (4) Nothing in this section limits the jurisdiction of a court to
11 resolve an error in election procedure that could only be corrected
12 before the election. This section does not apply to an appeal of the
13 language or content of a ballot title, summary, or explanatory
14 statement as otherwise provided by law, nor to the procedure to appeal
15 the secretary of state's decision to reject a petition under RCW
16 29.79.160 and 29.79.170, nor to the appeal process contained in RCW
17 29.79.210.

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