

# HOUSE BILL REPORT

## HB 2455

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**As Reported by House Committee On:**  
State Government & Tribal Relations

**Title:** An act relating to providing local governments options regarding elections for competing ballot measures.

**Brief Description:** Providing local governments options regarding elections for competing ballot measures.

**Sponsors:** Representatives Gregerson, Pollet and Macri.

**Brief History:**

**Committee Activity:**

State Government & Tribal Relations: 1/30/24, 1/31/24 [DPS].

**Brief Summary of Substitute Bill**

- Permits local governments to use a different voting process as part of the ballot title for competing ballot measures—initiatives to the local government versus alternative measures proposed by the local government—than the voting process used for competing statewide ballot measures.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson, Low and Mena.

**Minority Report:** Do not pass. Signed by 1 member: Representative Christian, Assistant Ranking Minority Member.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Cheney, Ranking Minority Member.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jason Zolle (786-7124).

**Background:**

The Washington Constitution provides voters with the right to participate in the lawmaking process through the initiative and referendum processes. A referendum may be ordered by the people or by the Legislature, and it permits the people to vote on whether an act passed by the Legislature should become law. An initiative is a piece of legislation proposed outside the Legislature and submitted to the Legislature for its consideration or to the people for a vote. When an initiative is submitted to the Legislature, the Legislature has three options:

- The Legislature may adopt the initiative as proposed, and it becomes law.
- The Legislature may reject or decline to act on the initiative, after which the initiative is placed on the ballot for a vote of the people.
- The Legislature may propose an alternative measure dealing with the same subject, after which both the initiative and the alternative measure are placed on the ballot for a vote of the people.

When an initiative to the Legislature without an alternative measure appears on the ballot, the ballot title must be displayed as follows: "Initiative Measure (number) concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if applicable). Should this measure be enacted into law?" Voters are asked to select "yes" or "no."

When the ballot includes an initiative to the Legislature for which the Legislature has proposed an alternative, the process is different. First, the ballot describes the initiative as above. Then, the ballot describes the alternative measure similarly. Voters are then asked: "Should either of these measures be enacted into law?" Voters may select "yes" or "no." Finally, voters are asked: "Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?" Voters may then select between the two measures.

Some local governments in Washington also have processes by which voters can bring an initiative to the jurisdiction's governing body for consideration, and the governing body may propose an alternative such that both options appear on the ballot. These include many first class cities, commission cities, code cities, and charter counties. Under state law, ballot titles for local government ballot measures must conform with the requirements and be displayed substantially as provided under state law for initiatives.

In 2014 Division One of the Court of Appeals considered the legality of the City of Seattle's process for voting on initiatives to the Seattle City Council (Council) and alternatives proposed by the Council. A Seattle ordinance provided voters the opportunity to vote yes or no on the initiative and its alternative measure independently, and if both were approved, both would take effect; except that any conflict between the two measures would be

resolved in favor of the measure with the most votes. The Court of Appeals held that this process for voting on initiatives and alternatives did not comport with state law, and was therefore preempted.

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**Summary of Substitute Bill:**

Local governments are permitted to use a different voting process as part of the ballot title for initiatives to the local government versus alternative measures proposed by the local government than the voting process used for competing statewide ballot measures. A local government may adopt a charter or ordinance that permits voters to independently vote for or against either measure; whichever measure receives the most affirmative votes is adopted, and the other is rejected. A local government that adopts such a policy is exempt from the portion of state law that governs the voting process portion of the ballot title for competing local ballot measures. All other requirements related to ballot titles remain in effect. A charter or ordinance adopted for these purposes may not take effect at any election that occurs within 180 days of its passage.

**Substitute Bill Compared to Original Bill:**

The substitute bill adds parameters to a local government's ability to adopt a different voting process as part of the ballot title for competing local government measures: the policy must permit voters to independently vote for or against either measure, and whichever measure receives the most affirmative votes is adopted. Additionally, a charter or ordinance adopted for these purposes may not take effect at any election that occurs within 180 days of its passage. Language is added to reiterate that the act applies only to local government ballot measures. The act's effective date is delayed to January 1, 2025.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect on January 1, 2025.

**Staff Summary of Public Testimony:**

(In support) The idea for this policy originated with a constituent in Seattle who wanted to respond to a problem that has come up in recent years regarding competing local ballot measures. There are about 70 jurisdictions that offer citizen initiatives. The current situation of voting yes or no on changing the law before picking option A or B confuses voters and allows councils to manipulate the ballot with alternative measures. People campaigning for a ballot measure during the recent vote in Seattle on approval voting versus

ranked choice voting can attest to the confusion that voters had around the process. People were concerned about voting yes to change the law without knowing which of the two options for change would be the one selected. An alternative format, the "highest vote rule," allows people to vote yes on both or no on both, which makes it easy for people to clearly express their opinion. Election officials are in support of this bill to ensure clear ballot language.

(Opposed) The state has a reasonable and fair mechanism for ballot titles when the Legislature proposes an alternative to an initiative, and that process is in the Constitution to protect voters. Local governments should follow the same rules as the state. That consistency is important to reduce voter confusion. There is no evidence that the process would be improved if local governments could use a different process. Allowing local governments to adopt their own processes will allow local governments to sabotage local initiatives. It will create chaos to permit a rule that provides that if both an initiative and its alternative pass, they are merged.

(Other) This bill is quite complex and should be given extra discussion and consideration. There is no urgency because the bill does not apply to any initiatives in progress this year. It would be a good faith act to table this measure until next year.

**Persons Testifying:** (In support) Representative Mia Gregerson, prime sponsor; Cindy Black, Fix Democracy First; Lisa Ayrault, FairVote Washington; Benjamin Byers; Toby Thaler; and Cindy Madigan, League of Women Voters of Washington.

(Opposed) Laurie Layne; Tim Eyman; and Theresa Schrempp.

(Other) Julie Barrett, Conservative Ladies of Washington.

**Persons Signed In To Testify But Not Testifying:** None.