
SUBSTITUTE HOUSE BILL 2455

State of Washington

68th Legislature

2024 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Gregerson, Pollet, and Macri)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to providing local governments options regarding
2 elections for competing ballot measures; amending RCW 29A.36.071;
3 creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that state law
6 specifies the ballot title and process for when the legislature
7 proposes an alternative for an initiative to the legislature. See RCW
8 29A.72.050. The legislature further finds that in 2014, the court of
9 appeals decided *In re Ballot Title Appeal of City of Seattle*
10 *Initiatives 107-110*, 183 Wn. App. 379, 334 P.3d 59, which held that
11 the state-law title and process requirements preempt local
12 governments that have a different title or process requirements for
13 elections for alternative local government ballot measures. The
14 legislature intends to alter state law to permit local governments to
15 use their own ballot title and process for elections for alternative
16 local government ballot measures.

17 **Sec. 2.** RCW 29A.36.071 and 2017 c 328 s 4 are each amended to
18 read as follows:

19 (1) Except as provided to the contrary in RCW 82.14.036,
20 82.46.021, or 82.80.090, the ballot title of any referendum filed on

1 an enactment or portion of an enactment of a local government and any
2 other question submitted to the voters of a local government consists
3 of three elements: (a) An identification of the enacting legislative
4 body and a statement of the subject matter; (b) a concise description
5 of the measure; and (c) a question. The ballot title must conform
6 with the requirements and be displayed substantially as provided
7 under RCW 29A.72.050, except that the concise description must not
8 exceed seventy-five words; however, a concise description submitted
9 on behalf of a proposed or existing regional transportation
10 investment district or a proposed fire protection district, as
11 provided in RCW 52.02.160, may exceed seventy-five words. If the
12 local governmental unit is a city or a town, or if the ballot title
13 is for a referendum under RCW 35.13A.115, the concise statement must
14 be prepared by the city or town attorney. If the local governmental
15 unit is a county, the concise statement must be prepared by the
16 prosecuting attorney of the county. If the unit is a unit of local
17 government other than a city, town, or county, the concise statement
18 must be prepared by the prosecuting attorney of the county within
19 which the majority area of the unit is located.

20 (2) A referendum measure on the enactment of a unit of local
21 government must be advertised in the manner provided for nominees for
22 elective office.

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

26 (4) (a) A local government may adopt a charter or ordinance that
27 requires the jurisdiction to use a different ballot title format to
28 allow voters to express a preference for an initiative measure to the
29 jurisdiction or an alternative measure passed by the jurisdiction on
30 the same subject, subject to requirements in (b) of this subsection.

31 (b) The charter or ordinance must provide that an initiative to
32 the jurisdiction and an alternative measure passed by the
33 jurisdiction are submitted at the same election for the voters to
34 consider, and that:

35 (i) Voters may independently vote for or against either measure;
36 and

37 (ii) The measure that receives the most affirmative votes is
38 adopted, and the other measure is rejected.

39 (c) A local government that adopts a charter or ordinance that
40 complies with (b) of this subsection is not required to follow the

1 provisions of RCW 29A.72.050(4) with respect to ballot titles for
2 initiatives to the jurisdiction and alternative measures passed by
3 the jurisdiction on the same subject.

4 (d) A charter or ordinance adopted pursuant to this subsection
5 may not take effect at any election that occurs within 180 days of
6 its passage.

7 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2025.

--- END ---