
SENATE BILL 5083

State of Washington

53rd Legislature

1993 Regular Session

By Senators McCaslin, L. Smith and Deccio

Read first time 01/13/93. Referred to Committee on Government Operations.

1 AN ACT Relating to the powers of initiative and referendum within
2 counties; and adding new sections to chapter 36.01 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 36.01 RCW
5 to read as follows:

6 (1) The voters and legislative authority of each county may
7 exercise within the county the powers of initiative and referendum as
8 provided in sections 1 through 5 of this act.

9 (2) Ordinances and resolutions of counties shall not go into effect
10 before thirty days from the time of final passage and are subject to
11 referendum during the interim except:

12 (a) Ordinances and resolutions initiated by petition;

13 (b) Ordinances and resolutions necessary for immediate preservation
14 of public peace, health, or safety or for the support of county
15 government and its existing public institutions that contain a
16 statement of urgency and are passed by unanimous vote of the county
17 legislative authority;

18 (c) Ordinances and resolutions providing for local improvement
19 districts;

1 (d) Ordinances and resolutions appropriating money;

2 (e) Ordinances and resolutions providing for or approving
3 collective bargaining;

4 (f) Ordinances and resolutions providing for the compensation of or
5 working conditions of county employees; and

6 (g) Ordinances and resolutions authorizing or repealing the levy of
7 taxes; which excepted ordinances and resolutions shall go into effect
8 as provided by the general law or by applicable sections of this title.

9 (3) For any county with charter provisions concerning initiative
10 and referendum that vary from the provisions of sections 1 through 5 of
11 this act, the charter provisions shall control the operation of
12 initiative and referendum within that county.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW
14 to read as follows:

15 (1) Upon the filing of a referendum petition praying therefor, the
16 county legislative authority shall reconsider an ordinance or
17 resolution subject to referendum and upon reconsideration shall defeat
18 it in its entirety or shall submit it to a vote of the people. The
19 operation of an ordinance or resolution so protested against shall be
20 suspended until the referendum petition is finally found insufficient
21 or until the ordinance or resolution protested against has received a
22 majority of the votes cast thereon at the election.

23 (2) All provisions applicable to the character, form, and number of
24 signatures required for an initiative petition, to the examination and
25 certification thereof, and to the submission to the vote of the people
26 of the ordinance or resolution proposed thereby, shall apply to a
27 referendum petition and to the ordinance or resolution sought to be
28 defeated thereby.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
30 to read as follows:

31 Ordinances and resolutions may be initiated by petition of the
32 voters of the county filed with the legislative authority. If the
33 petition accompanying the proposed ordinance or resolution is signed by
34 the registered voters in the county equal in number to fifteen percent
35 of the votes cast at the last preceding county general election, and if
36 it contains a request that, unless passed by the legislative authority,

1 the ordinance or resolution be submitted to a vote of the people, the
2 legislative authority shall either:

3 (1) Pass the proposed ordinance or resolution without alteration
4 within twenty days after the county auditor's certificate that the
5 number of signatures on the petition are sufficient; or

6 (2) Immediately after the auditor's certificate of sufficiency is
7 attached to the petition, cause to be called a special election to be
8 held on the next special election date identified in RCW 29.13.010 that
9 is not less than forty-five days thereafter for submission of the
10 proposed ordinance or resolution, without alteration, to a vote of the
11 people.

12 (3) Every signer to a petition submitting a proposed ordinance or
13 resolution to the county legislative authority shall in addition to the
14 signature include his or her place of residence giving street and
15 number. The signatures need not all be appended to one paper, but one
16 of the signers on each paper must attach thereto an affidavit stating
17 the number of signatures thereon, that each signature thereon is a
18 genuine signature of the person whose name it purports to be and that
19 the statements made are true to the best of his or her knowledge.

20 (4) Within ten days from the filing of a petition submitting a
21 proposed ordinance or resolution, the county auditor shall ascertain
22 and append to the petition a certificate stating whether or not it is
23 signed by a sufficient number of registered voters, using the
24 registration records and returns of the preceding county general
25 election as sources of information, and the county legislative
26 authority shall allow the auditor extra help for that purpose, if
27 necessary. If the signatures are found by the auditor to be
28 insufficient the petition may be amended in that respect within ten
29 days from the date of the certificate. Within ten days after
30 submission of the amended petition the auditor shall make an
31 examination thereof and append the certificate thereto in the same
32 manner as before. If the second certificate also shows the number of
33 signatures to be insufficient, the petition shall be returned to the
34 person filing it.

35 (5) If the county auditor finds the petition insufficient or if the
36 county legislative authority refuses either to pass an initiative
37 ordinance or resolution or order an election thereon, any taxpayer may
38 commence an action in the superior court against the county and procure
39 a decree ordering an election to be held in the county for the purpose

1 of voting upon the proposed ordinance or resolution if the court finds
2 the petition to be sufficient.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
4 to read as follows:

5 (1) Publication of notice, the election, the canvass of the
6 returns, and declaration of the results shall be conducted in all
7 respects as are other county elections. Any number of proposed
8 ordinances or resolutions may be voted on at the same election, but
9 there shall not be more than one special election for that purpose
10 during any one six-month period.

11 (2) The county auditor shall cause any ordinance, resolution, or
12 proposition required to be submitted to the voters at an election to be
13 published once in each of the daily newspapers in the county not less
14 than five nor more than twenty days before the election, or if no daily
15 newspaper is published in the county, publication shall be made in each
16 of the weekly newspapers published in the county. This publication
17 shall be in addition to the notice required in chapter 29.27 RCW.

18 (3) The ballots used for voting upon a proposed ordinance or
19 resolution shall be similar to those used at a general county election
20 in that county and shall contain the words "for the ordinance" or "for
21 the resolution" (stating the nature of the proposed ordinance or
22 resolution) and "against the ordinance" or "against the resolution"
23 (stating the nature of the proposed ordinance or resolution).

24 (4) If a majority of the votes cast thereon favor the proposed
25 ordinance or resolution, it shall become effective immediately and
26 shall be made a part of the record of ordinances or resolutions of the
27 county.

28 (5) Upon the adoption of an ordinance or resolution initiated by
29 petition, the county auditor shall write on the margin of the record
30 thereof "ordinance (or resolution) by petition No.," or
31 "ordinance (or resolution) by vote of the people," and it cannot be
32 repealed or amended except by a vote of the people.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.01 RCW
34 to read as follows:

35 (1) The county legislative authority may by means of an ordinance
36 or resolution submit a proposition for the repeal or amendment of an
37 ordinance or resolution initiated by petition, or may refer any new

1 ordinance or resolution to the voters, by submitting it to a vote of
2 the people at any special election following the procedures specified
3 in section 3(2) of this act and if a majority of the votes cast upon
4 the proposition favor it, the ordinance or resolution shall be adopted,
5 repealed, or amended accordingly.

6 An ordinance or resolution referred to the voters and a proposition
7 of repeal or amendment must be published before the election thereon as
8 is an ordinance or resolution initiated by petition when submitted to
9 election.

10 (2) Upon the adoption of a proposition to repeal or amend an
11 ordinance or resolution initiated by petition, the county auditor shall
12 write upon the margin of the record of the ordinance or resolution
13 "repealed (or amended) by ordinance (or resolution) No.," or
14 "repealed (or amended) by vote of the people."

15 Upon the adoption by majority vote of an ordinance or resolution
16 referred to the voters by the county legislative authority, it shall be
17 become effective immediately and shall be made a part of the record of
18 ordinances or resolutions of the county.

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