
HOUSE BILL 2285

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Haugen, Zellinsky, Ferguson, Anderson, Horn, Winsley and Paris

Prefiled 1/10/92. Read first time 01/13/92. Referred to Committee on State Government.

1 AN ACT Relating to statements used to describe ballot propositions;
2 amending RCW 29.27.060, 29.27.065, 29.27.067, and 29.79.060; and adding
3 new sections to chapter 29.27 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature may provide the ballot
6 title for any bill that it submits to the people for adoption and
7 ratification or rejection, by including the ballot title in the bill,
8 or for any constitutional amendment that it proposes, by including the
9 ballot title in the resolution containing the constitutional amendment.
10 If the legislature does not provide the ballot title for such a bill or
11 proposed constitutional amendment that it has adopted, the attorney
12 general shall formulate a ballot title. The ballot title shall be a
13 concise statement posed as a question not exceeding twenty words.

1 The attorney general shall prepare a summary, not exceeding
2 seventy-five words, of each constitutional amendment that has been
3 adopted by the legislature and of each bill submitted by the
4 legislature to a vote of the people, whether or not the attorney
5 general formulates the ballot title. The summary and the ballot title,
6 if the ballot title is to be prepared by the attorney general, shall be
7 prepared within twenty days after the referendum bill or the resolution
8 containing the constitutional amendment is received by the secretary of
9 state.

10 The ballot title and summary shall give true and impartial
11 descriptions of the purpose of the constitutional amendment or bill.
12 Neither the ballot title nor the summary may intentionally be an
13 argument or be likely to create prejudice, either for or against the
14 measure. The summary shall constitute the brief statement required by
15 RCW 29.81.010(1)(d) for the measure.

16 When practicable, the ballot title shall be written in such a way
17 that an affirmative answer to the question and an affirmative vote on
18 the measure would result in a change in the Constitution or statute,
19 and a negative answer to the question and a negative vote on the
20 measure would result in no change in the Constitution or statute.

21 NEW SECTION. **Sec. 2.** (1) Upon the attorney general's filing
22 of the summary, or the ballot title and summary, of the constitutional
23 amendment or referendum bill with the secretary of state, the secretary
24 of state shall notify by telephone and by mail the following persons of
25 the exact language of the ballot title and summary:

26 (a) The prime sponsor and next three sponsors, if any, of the
27 resolution containing the constitutional amendment or the referendum
28 bill;

1 (b) The chief clerk of the house of representatives and the
2 secretary of the senate; and

3 (c) Other persons who made written requests to the secretary of
4 state for such notification.

5 (2) The secretary of state shall certify to the county auditors the
6 ballot title for a proposed constitutional amendment or other state-
7 wide measure.

8 NEW SECTION. **Sec. 3.** Any person dissatisfied with the ballot
9 title or summary of a constitutional amendment or referendum bill
10 prepared by the attorney general, or any person, including the attorney
11 general, dissatisfied with the ballot title included by the legislature
12 in the measure that the legislature has adopted, may appeal to the
13 superior court of Thurston county by petition setting forth the
14 measure, the title or summary to which objection is made, and his or
15 her objections to the ballot title or summary and requesting amendment
16 of the ballot title or summary by the court. An appeal of the ballot
17 title included in a measure that the legislature has adopted must be
18 filed within ten days after the measure has been filed with the
19 secretary of state. Any other appeal filed under this section must be
20 filed within ten days after the summary, or the ballot title and
21 summary, have been filed with the secretary of state. Any person may
22 respond to the petition, file responses to the objections, and become
23 a party to the appeal.

24 The appellant shall cause a copy of the petition on appeal,
25 together with notice that an appeal has been taken, to be served upon
26 any of the following persons who has not initiated the appeal: The
27 attorney general, the secretary of state, the first four sponsors of
28 the referendum bill or the resolution containing the constitutional
29 amendment, the chief clerk of the house of representatives, and the

1 secretary of the senate. Upon the filing of the petition on appeal, or
2 at the time to which the hearing may be adjourned by consent of the
3 appellant, the court shall accord first priority to examining the
4 proposed measure, the title or summary, and the objections to that
5 title or summary, may hear arguments, and shall, within five days,
6 render its decision and file with the secretary of state a certified
7 copy of such ballot title or summary as it determines will meet the
8 requirements of section 1 of this act. The decision of the superior
9 court shall be final. The appeal shall be heard without cost to any
10 party.

11 NEW SECTION. **Sec. 4.** When the ballot title and summary of a
12 proposed constitutional amendment or referendum bill are finally
13 established, the secretary of state shall file the instrument
14 establishing them with the constitutional amendment or referendum bill
15 and transmit a copy of the ballot title and summary by mail to any
16 person entitled to receive notice under section 2 of this act.

17 **Sec. 5.** RCW 29.27.060 and 1985 c 252 s 1 are each amended to read
18 as follows:

19 ~~((When a proposed constitution or constitutional amendment or other
20 question is to be submitted to the people of the state for state-wide
21 popular vote, the attorney general shall prepare a concise statement
22 posed as a question and not exceeding twenty words containing the
23 essential features thereof expressed in such a manner as to clearly
24 identify the proposition to be voted upon.))~~

25 Questions to be submitted to the people of a county ~~((or
26 municipality)), city, town, municipal corporation, or special district~~
27 shall also be advertised as provided for nominees for office, and in
28 such cases there shall also be printed on the ballot a concise

1 statement posed as a question and not exceeding seventy-five words
2 (~~containing~~) that contains the essential features (~~thereof expressed~~
3 ~~in such a manner as to clearly identify~~) of the proposition (~~to be~~
4 ~~voted upon, which~~) and identifies the proposition. The statement
5 shall be prepared by the city or town attorney for the city or town,
6 (~~and by~~) the prosecuting attorney for the county (~~or any other~~
7 ~~political subdivision of the state, other than cities, situated in the~~
8 ~~county~~), and the prosecuting attorney of the county in which all or
9 the largest geographic portion of the municipal corporation or special
10 district is located for the municipal corporation or special district.
11 The concise statement constitutes the ballot title. (~~The secretary of~~
12 ~~state shall certify to the county auditors the ballot title for a~~
13 ~~proposed constitution, constitutional amendment or other state wide~~
14 ~~question at the same time and in the same manner as the ballot titles~~
15 ~~to initiatives and referendums.~~)

16 **Sec. 6.** RCW 29.27.065 and 1965 c 9 s 29.27.065 are each amended to
17 read as follows:

18 Upon the filing of a ballot title as defined in RCW 29.27.060,
19 (~~the secretary of state, in event it is a state question, or~~) the
20 county auditor (~~in the event it is a county or other local question,~~)
21 shall forthwith notify the persons proposing the measure of the exact
22 language of the ballot title.

23 **Sec. 7.** RCW 29.27.067 and 1965 c 9 s 29.27.067 are each amended to
24 read as follows:

25 (~~If the persons filing any state or local question covered by RCW~~
26 ~~29.27.060 are~~) Any person dissatisfied with the ballot title
27 (~~formulated by the attorney general, city attorney, or prosecuting~~
28 ~~attorney preparing the same, they~~) may (~~at any time within ten days~~

1 ~~from the time of the filing of the ballot title~~) appeal the ballot
2 title 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,)~~)
5 or, where the question will appear on the ballot in more than one
6 county, the superior court of the county in which the largest
7 geographic portion of the city, town, municipal corporation, or special
8 district is located. The appeal must be made within ten days after the
9 filing of the ballot title and shall be by petition setting forth the
10 measure, the ballot title objected to, ((~~their~~)) and the person's
11 objections to the ballot title and ((~~praying for~~)) requesting amendment
12 ((~~thereof~~)) of the ballot title by the court. The time of the filing
13 of the ballot title, ((~~as used herein in~~)) for the purpose of
14 determining the time for appeal, is the time the ballot title is first
15 filed with ((~~the secretary of state, if concerning a state wide~~
16 question, or)) the county auditor((~~, if a local question, the secretary~~
17 of state or the county officer being herein called the "filing
18 officer.")).

19 A copy of the petition on appeal together with a notice that an
20 appeal has been taken shall be served upon the ((~~filing officer~~))
21 county auditor and the official preparing the ballot title. Upon the
22 filing of the petition on appeal, the court shall forthwith, or at the
23 time to which a hearing may be adjourned by consent of the appellants,
24 examine the proposed measure, the ballot title filed, and the
25 objections ((~~thereto~~)) to the ballot title and may hear arguments
26 thereon, and shall as soon as possible render its decision and certify
27 to and file with the ((~~filing officer~~)) county auditor such ballot
28 title as it determines will meet the requirements of this chapter. The
29 decision of the superior court shall be final, and the title so

1 certified shall be the established ballot title. Such appeal shall be
2 heard without cost to ~~((either))~~ any party.

3 **Sec. 8.** RCW 29.79.060 and 1982 c 116 s 6 are each amended to read
4 as follows:

5 ~~((If))~~ Any person ~~((is))~~ dissatisfied with the ballot title or
6 summary formulated by the attorney general ~~((, he or she))~~ may, within
7 ~~((five))~~ ten days ~~((from))~~ after the filing of the ballot title in the
8 office of the secretary of state, appeal to the superior court of
9 Thurston county by petition setting forth the measure, the title or
10 summary formulated by the attorney general, and his or her objections
11 to the ballot title or summary and requesting amendment of the title or
12 summary by the court.

13 A copy of the petition on appeal together with a notice that an
14 appeal has been taken shall be served upon the secretary of state, upon
15 the attorney general, and upon the person proposing the measure if the
16 appeal is initiated by someone other than that person. Upon the filing
17 of the petition on appeal or at the time to which the hearing may be
18 adjourned by consent of the appellant, the court shall accord first
19 priority to examining the proposed measure, the title or summary
20 prepared by the attorney general, and the objections to that title or
21 summary, may hear arguments, and shall, within five days, render its
22 decision and file with the secretary of state a certified copy of such
23 ballot title or summary as it determines will meet the requirements of
24 RCW ~~((29.27.060 and))~~ 29.79.040. The decision of the superior court
25 shall be final. Such appeal shall be heard without cost ~~((s))~~ to
26 ~~((either))~~ any party.

27 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act are
28 each added to chapter 29.27 RCW.

1 NEW SECTION. **Sec. 10.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.