

HB 1595 - H AMD 628

By Representative Schmick

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.01 RCW
4 to read as follows:

5 (1) The voters of each county that does not operate under a home
6 rule charter may exercise within the county the powers of initiative
7 and referendum as provided in this section and sections 2 through 4 of
8 this act. The powers of initiative and referendum may not be used to
9 alter or avoid duties mandated by state law or state agency rule.

10 (2) The county legislative authority of each county that does not
11 operate under a home rule charter must establish by ordinance the form
12 to be used for referendum and initiative petitions in its county, and
13 must establish procedures for the circulation and signing of referendum
14 and initiative petitions.

15 (3) All referendum and initiative petitions adopted under
16 subsection (2) of this section must contain the full text of the
17 proposed measure and the ballot title and the following warning
18 verbatim:

19 "WARNING

20 Every person who signs this petition with any other than his or her
21 true name, or who knowingly signs more than one of these petitions, or
22 signs this petition when he or she is not a legal voter, or who signs
23 this petition when he or she is otherwise not qualified to sign it, or
24 who makes any false statement on this petition may be punished by fine
25 or imprisonment or both."

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

28 (1) Except as otherwise provided in this section and section 1 of
29 this act, any legal voter of a county may initiate ordinances or

1 amendments to existing ordinances by filing with the county auditor an
2 initiative petition. No ordinance that is the result of an initiative
3 approved by a majority of voters may be amended or repealed within two
4 years after enactment, unless a measure to amend or repeal the
5 ordinance is approved by a majority of voters voting at any special or
6 general election or is approved by a unanimous vote of the entire
7 membership of the county legislative authority.

8 (2) Ordinances providing for the compensation or working conditions
9 of county employees, redistricting of commissioner districts,
10 authorization or repeal of any appropriation of money or any portion of
11 the annual budget, and authorization or repeal of taxes or fees, are
12 not subject to an initiative.

13 (3)(a) Any legal voter of the county may file an initiative
14 proposal with the county auditor. The county auditor may charge a
15 twenty dollar filing fee. Within ten working days from receipt of the
16 proposal, the county auditor must initiate a conference with the
17 petitioner to review the proposal as to form and style. The county
18 auditor must assign the initiative proposal a serial number, which must
19 be the identifying number for the proposal. The county auditor must
20 then transmit a copy of the proposal to the county prosecuting
21 attorney.

22 (b) The county prosecuting attorney may confer with the petitioner
23 regarding the proposed ballot title of the proposal. Within fourteen
24 working days after receipt of the proposal, the county prosecuting
25 attorney must compose and announce a concise statement, posed as a
26 positive question that does not contain more than twenty-five words,
27 that is a true and impartial description of the initiative petition's
28 essential contents. The concise statement must be the ballot title.

29 (c) Any person dissatisfied with the ballot title may appeal the
30 ballot title within five working days after it is announced. An appeal
31 of the ballot title must be filed in superior court in accordance with
32 RCW 36.01.050. The petition on appeal must set forth the proposed
33 measure, the ballot title, objections to the ballot title, and a
34 request for amendment of the ballot title by the court. A copy of the
35 petition on appeal and notice of the appeal must be served on the
36 county auditor, county prosecuting attorney, and the petitioner of the
37 initiative proposal if the appeal is filed by a person other than the
38 petitioner. The court must accord first priority to the petition on

1 appeal and may hear arguments. Within five working days after filing
2 of the petition on appeal, the court must render a decision and file
3 with the county auditor a certified copy of the ballot title. The
4 decision of the superior court is final.

5 (d) The petitioner has one hundred twenty days after the ballot
6 title is announced by the county prosecuting attorney to collect
7 signatures of registered voters of the county, equal to or more than
8 twenty-five percent of the number of votes cast in the county for the
9 office of governor at the last regular gubernatorial election, and
10 submit the petition containing the signatures to the county auditor for
11 filing. All initiative petitions proposing a measure to be submitted
12 to the people for their approval or rejection at the next general
13 election must be submitted for filing not less than one hundred twenty
14 days before such election.

15 (e) Within sixty days after the filing of the initiative petition,
16 the county auditor must determine whether the petition bears sufficient
17 signatures.

18 (f) If the county auditor verifies the petition as containing
19 sufficient signatures, the county legislative authority must, within
20 twenty days after the petition is verified, consider the proposed
21 initiative. The county legislative authority must either pass the
22 proposed initiative without change or amendment or submit the proposed
23 initiative to the people at the next general election.

24 (g) If the proposed initiative is enacted by the county legislative
25 authority without change or amendment, the initiative is subject to
26 referendum.

27 (h) If the county legislative authority does not pass the proposed
28 initiative and proposes a substitute measure concerning the same
29 subject matter, the proposed substitute measure may be placed on the
30 same ballot with the proposed initiative. On the ballot, the voters
31 must be given, first, the option of approving either measure or
32 rejecting both measures and, second, the option to approve one measure
33 and reject the other. If a majority of the voters voting on the first
34 option are for approving either measure, then the measure receiving the
35 majority of votes cast on the second option is approved. If a majority
36 of the voters voting on the first option are for rejecting both
37 measures, then neither measure is approved regardless of the votes on
38 the second option.

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

3 The county legislative authority by ordinance may submit any
4 proposed or enacted ordinance to the voters for their approval or
5 rejection at a general or special election. If the ordinance is
6 approved by a majority of the voters voting on it, the ordinance
7 becomes effective ten days after the results of the election are
8 certified, unless a later date is specified by the measure submitting
9 the ordinance to the voters. If an enacted ordinance is rejected by a
10 majority of voters voting on it, the ordinance ceases to be effective
11 ten days after the results of the election are certified, unless a
12 later date is specified by the measure submitting the ordinance to the
13 voters.

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

16 (1)(a) Except as provided in this section and section 1 of this
17 act, an ordinance, or any part of an ordinance, may be subjected to a
18 referendum by the voters of the county. Emergency ordinances,
19 ordinances, or sections of any ordinance that: Provide for the
20 compensation or working conditions of county employees; authorize or
21 repeal any appropriations of money or any portion of the annual budget;
22 or authorize or repeal taxes or fees are not subject to referendum.

23 (b) Upon the filing of a referendum petition, the operation of the
24 protested ordinance must be suspended until the referendum petition is
25 found insufficient or until the referendum has been rejected by a
26 majority of voters voting at an election. The filing of a referendum
27 petition against one or more sections of any ordinance suspends the
28 operation of only those protested sections pending the outcome of the
29 referendum.

30 (2)(a) Any legal voter of the county may file a referendum proposal
31 against any ordinance, or part of any ordinance, with the county
32 auditor within fifteen days after the ordinance is enacted by the
33 county legislative authority. The county auditor may charge a twenty
34 dollar filing fee.

35 (b) Within ten working days from its receipt of the referendum
36 proposal, the county auditor must initiate a conference with the
37 petitioner to review the proposal as to form and style. The county

1 auditor must assign the referendum proposal a serial number, which must
2 be the identifying number for the proposal. The county auditor must
3 then transmit a copy of the proposal to the county prosecuting
4 attorney.

5 (c) The county prosecuting attorney may confer with the petitioner
6 regarding the proposed ballot title of the proposal. Within fourteen
7 working days after receipt of the proposal, the county prosecuting
8 attorney must compose and announce a concise statement, posed as a
9 positive question that does not contain more than twenty-five words,
10 that is a true and impartial description of the referendum petition's
11 essential contents. The concise statement must be the ballot title.

12 (d) Any person dissatisfied with the ballot title may appeal the
13 ballot title within five working days after it is announced. An appeal
14 of the ballot title must be filed in superior court in accordance with
15 RCW 36.01.050. The petition on appeal must set forth the proposed
16 measure, the ballot title, objections to the ballot title, and a
17 request for amendment of the ballot title by the court. A copy of the
18 petition on appeal and notice of the appeal must be served on the
19 county auditor, county prosecuting attorney, and the petitioner of the
20 referendum proposal if the appeal is filed by a person other than the
21 petitioner. The court must accord first priority to the petition on
22 appeal and may hear arguments. Within five working days after filing
23 of the petition on appeal, the court must render a decision and file
24 with the county auditor a certified copy of the ballot title. The
25 decision of the superior court is final.

26 (e) The petitioner has one hundred twenty days after the ballot
27 title is composed by the county prosecuting attorney to collect
28 signatures of registered voters of the county, equal to or more than
29 twenty-five percent of the number of votes cast in the county for the
30 office of governor at the last regular gubernatorial election, and
31 submit the referendum petition containing the signatures to the county
32 auditor for filing. All referendum petitions proposing a measure to be
33 submitted to the people for their approval or rejection at the next
34 general or special election must be submitted for filing not less than
35 ninety days before such election.

36 (f) Within sixty days after the filing of the referendum petition,
37 the county auditor must determine whether the petition bears sufficient

1 signatures. If the county auditor verifies the petition as containing
2 sufficient signatures, the county auditor must submit the proposed
3 referendum to the people at the next general or special election.

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

6 (1) Sections 1 through 4 of this act do not apply to any county
7 that operates under a home rule charter.

8 (2) Sections 1 through 4 of this act do not supersede conflicting
9 special local referendum procedures enacted in any other legislation
10 before the effective date of this section."

11 Correct the title.

EFFECT: Makes the following changes to provisions proposed in the
underlying bill:

(1) Requires the county auditor to initiate a conference with the
petitioner of an initiative or referendum proposal within 10 working
days of the proposal's receipt, rather than requiring the county
auditor to confer with the petitioner within five working days of the
proposal's receipt.

(2) Removes a requirement proposed in the underlying bill that a
county prosecuting attorney must confer with the petitioner of an
initiative or referendum proposal to review the legal aspects of the
proposal.

(3) Authorizes, but does not require, a county prosecuting attorney
to confer with the petitioner of an initiative or referendum proposal
regarding the proposed ballot title.

(4) Requires the county prosecuting attorney to compose and
announce an initiative or referendum proposal's ballot title within 14
working days, rather than 10 working days, after its receipt by the
county.

(5) Adds provisions authorizing any person dissatisfied with the
ballot title of an initiative or referendum proposal to appeal the
ballot title within five working days after it is announced by the
county prosecuting attorney. Provides that an appeal of the ballot
title, among other things: (a) Must be filed with the superior court
of the county or with the superior court of either of the two nearest
judicial districts; (b) must set forth specified criteria (e.g., the
ballot title and objections to the ballot title); and (c) must be
decided within five working days after the petition on appeal is filed
with the superior court.

(6) Requires the county auditor to determine whether an initiative
or referendum petition bears sufficient signatures within 60 days,
rather than 10 days, after it is filed.

(7) Specifies that the underlying bill's provisions do not supersede conflicting local referendum procedures enacted prior to the effective date of the bill.

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