
Local Government Committee

HB 1595

Brief Description: Addressing the powers of initiative and referendum within counties that are not home rule charter counties.

Sponsors: Representatives Schmick, Fagan and Buys.

Brief Summary of Bill

- Grants the powers of initiative and referendum to all counties that are not home rule charter counties, and requires the legislative authorities of such counties to establish petition forms and procedures for circulating petitions.
- Establishes requirements for proposing initiative and referendum measures, verifying petition signatures, and submitting petitions to voters of the county.
- Authorizes county legislative authorities to submit proposed and enacted ordinances to the voters of the county for approval or rejection.

Hearing Date: 1/22/14

Staff: Michaela Murdock (786-7289).

Background:

Forms of County Government.

The Washington Constitution provides for two forms of county government: (1) a "commission" form to be established through general laws by the Legislature; and (2) a "Home Rule" charter form, which any county may choose to adopt. Six of the state's 39 counties have adopted home rule charters.

Under a commission form, the county has a three-member board of commissioners, elected on a partisan basis, who serve as the county's legislative body and also perform executive functions. Counties with populations greater than 300,000 may increase the size of the commission from three to five members. The commissioners share administrative functions with other elected county officials, including a clerk, treasurer, sheriff, assessor, coroner, and auditor.

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Under a home rule charter form, the county charter may provide for a form of government different from a commission form (*e.g.*, with a council/executive form, a county executive serves as the head of the executive branch and a county council serves as the legislative branch). Home rule charters can modify the duties of the board of county commissioners and other elected officials, or may entirely replace certain officers or subject them to restrictions.

Powers of Initiative and Referendum.

State laws and city or county ordinances may be initiated by petition and the approval of registered voters. Similarly, a state law or city or county ordinance may be defeated through a referendum petition and submission of the ordinance to a vote of the people.

The Washington Constitution directly grants state voters general initiative and referendum powers on state matters. For local matters, most cities in Washington, pursuant to statute, may authorize initiatives and referendum power on city matters, and in home rule charter counties, county charters may authorize initiatives and referenda on county matters. All charter counties have granted county voters initiative and referendum powers. For counties that have not adopted a home rule charter (non-charter counties), state law does not authorize initiatives and referenda on county matters.

Summary of Bill:

The voters of each non-charter county are granted powers of initiative and referendum on county matters. The county legislative authority of each non-charter county must establish the form of petitions to be used and establish procedures for circulating petitions in the county. Also, all non-charter county initiative and referendum petitions must contain the full text of the proposed measure, the ballot title, and a specified warning to signers.

In addition to petitions proposed by voters, county legislative authorities are given the option of submitting any proposed or enacted ordinance to the voters for their approval or rejection at a general or special election.

Initiative and Referendum Petitions.

Requirements for the content and submission of non-charter county initiative and referendum petitions are prescribed:

- Any legal voter of the county may file an initiative or referendum proposal with the county auditor.
- A \$20 filing fee may be charged.
- The county auditor must review filed proposals for form and style, must assign a serial number to the proposal, and must transmit a copy to the prosecuting attorney.
- The prosecuting attorney must confer with the petitioner regarding legal aspects of the proposal and must prepare a concise statement of the petition's contents, which is the petition's ballot title.
- The petitioner has 120 days from obtaining a ballot title to collect signatures of registered voters of the county, equal to or more than 25 percent of the number of votes cast in the county for the office of Governor at the last regular gubernatorial election.

- Sufficient petitions must be filed not less than 120 days before the next general election.
- The county auditor must determine whether the petition has sufficient signatures within 10 days.

For initiative petitions that have collected a sufficient number of signatures, the county legislative authority may approve or pass the proposed initiative prior to submitting it to a vote of the people. Additionally, the county legislative authority may choose to submit a substitute or alternative measure, alongside the proposed initiative, to the people for a vote.

Any ordinance enacted by initiative may not be amended or repealed for two years, unless amended or repealed by a majority of voters or by a unanimous vote of the county legislative authority.

When a referendum petition has been filed, the operation of the protested ordinance or part of the ordinance is suspended until the petition is either found to be insufficient or until the referendum is rejected by a majority of voters. A referendum proposal must be filed within 15 days after the ordinance is enacted by the county legislative authority.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.