

SENATE BILL REPORT

SB 5135

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
FEBRUARY 9, 1993**

Brief Description: Establishing requirements for ballot titles for referenda.

SPONSORS: Senators Talmadge and McCaslin

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 2, 1993; February 9, 1993

BACKGROUND:

The State Constitution gives to the people the power of initiative and referendum on state laws. The power of initiative and referendum is also available to home-rule charter counties and first class charter cities where authorized by the respective charters, in noncode cities with a commission form of government (there are none) and as an option for code cities.

Ballot titles for referenda and initiatives are written in the same form. A concise statement of 20 words or less and a summary of no more than 75 words are prepared by the Attorney General for state measures. The concise statement, when practicable, must be written as a question such that an affirmative answer and a "yes" vote would result in a change in then current law. Where initiatives and referenda are permitted for local governments, the concise statement may not exceed 75 words. This statement is prepared by the city attorney for city measures and by the county prosecuting attorney for county and other local government measures. The concise statement, if not changed as a result of an appeal to the superior court, becomes the ballot title.

For referenda on laws and ordinances, other than bond measures, it is believed that the required form is often confusing to the voter who may not appreciate the difference between a referendum and an initiative. Also, the stated question on the ballot may not be consistent with the question as considered in the public debate on the subject issue.

SUMMARY:

The ballot title for referendum measures shall consist of three parts: an identification of the enacting legislative body; a concise statement summarizing the enactment being referred; and a question asking whether the enactment should be revoked. For state measures, the concise statement is prepared by the Attorney General and may not exceed 25 words. For local measures the concise statement may not exceed 75 words and is prepared for cities by the city attorney and for counties or other local governments by the county prosecutor.

The statute prescribing the form of ballot titles for initiatives in noncode cities with a commission form of government is repealed.

EFFECT OF PROPOSED SUBSTITUTE:

Changes question in ballot title from "Should the law be revoked? Yes___ No___" to "Should this law be Approved___ or Rejected___?"

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Clarifies confusion regarding referendum ballot title.

TESTIMONY AGAINST:

Real problem is in drafting the concise statement.

TESTIFIED: Senator McCaslin; Gary McIntosh, Secretary of State's Office (con); Aurlo Bonney, West Seattle Chamber of Commerce (pro); Virgil Sheppard, West Seattle Anti Crime Council (pro)