H-3073.1

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**SUBSTITUTE HOUSE BILL 2455**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Gregerson, Pollet, and Macri)

AN ACT Relating to providing local governments options regarding elections for competing ballot measures; amending RCW 29A.36.071; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that state law specifies the ballot title and process for when the legislature proposes an alternative for an initiative to the legislature. See RCW 29A.72.050. The legislature further finds that in 2014, the court of appeals decided *In re Ballot Title Appeal of City of Seattle Initiatives 107-110*, 183 Wn. App. 379, 334 P.3d 59, which held that the state-law title and process requirements preempt local governments that have a different title or process requirements for elections for alternative local government ballot measures. The legislature intends to alter state law to permit local governments to use their own ballot title and process for elections for alternative local government ballot measures.

**Sec.**  RCW 29A.36.071 and 2017 c 328 s 4 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district or a proposed fire protection district, as provided in RCW 52.02.160, may exceed seventy-five words. If the local governmental unit is a city or a town, or if the ballot title is for a referendum under RCW 35.13A.115, the concise statement must be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement must be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement must be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government must be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

(4)(a) A local government may adopt a charter or ordinance that requires the jurisdiction to use a different ballot title format to allow voters to express a preference for an initiative measure to the jurisdiction or an alternative measure passed by the jurisdiction on the same subject, subject to requirements in (b) of this subsection.

(b) The charter or ordinance must provide that an initiative to the jurisdiction and an alternative measure passed by the jurisdiction are submitted at the same election for the voters to consider, and that:

(i) Voters may independently vote for or against either measure; and

(ii) The measure that receives the most affirmative votes is adopted, and the other measure is rejected.

(c) A local government that adopts a charter or ordinance that complies with (b) of this subsection is not required to follow the provisions of RCW 29A.72.050(4) with respect to ballot titles for initiatives to the jurisdiction and alternative measures passed by the jurisdiction on the same subject.

(d) A charter or ordinance adopted pursuant to this subsection may not take effect at any election that occurs within 180 days of its passage.

NEW SECTION. **Sec.**  This act takes effect January 1, 2025.

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