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SENATE BILL 5135

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Talmadge and McCaslin

Read first time 01/14/93. Referred to Committee on Government Operations.

1 AN ACT Relating to state and local initiative and referendum ballot  
2 titles; amending RCW 29.27.060, 29.79.040, 29.79.110, 29.27.065,  
3 29.27.067, and 35A.29.120; adding a new section to chapter 29.79 RCW;  
4 and repealing RCW 35.17.320.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW  
7 to read as follows:

8 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
9 or 82.80.090, the ballot title of any referendum filed on an enactment  
10 or portion of an enactment of the state legislature or of the  
11 legislative authority of a unit of local government shall be composed  
12 of three elements: (a) An identification of the enacting legislative  
13 body; (b) a concise statement identifying the essential features of the  
14 enactment on which the referendum is filed; and (c) a question asking  
15 the voters whether the enactment should or should not be revoked by the  
16 people. A "yes" vote on the referendum shall have the effect of  
17 revoking the legislative enactment. The ballot issue shall be  
18 displayed on the ballot substantially as follows:

1 Referendum Measure No. XX. The (name of legislative body) has passed  
2 a law that (concise statement). Should this law be revoked?

3 YES .....

4 NO .....

5 (2) For a referendum measure on a state enactment, the concise  
6 statement shall be prepared by the attorney general and shall not  
7 exceed twenty-five words.

8 (3) The concise statement for a referendum measure on an enactment  
9 of the legislative authority of a unit of local government shall not  
10 exceed seventy-five words. If the local governmental unit is a city or  
11 a town, the concise statement shall be prepared by the city or town  
12 attorney. If the local governmental unit is a county, the concise  
13 statement shall be prepared by the prosecuting attorney of the county.  
14 If the unit is a unit of local government other than a city, town, or  
15 county, the concise statement shall be prepared by the prosecuting  
16 attorney of the county within which the majority area of the unit is  
17 located.

18 (4) A referendum measure on the enactment of a unit of local  
19 government shall be advertised in the manner provided for nominees for  
20 elective office.

21 **Sec. 2.** RCW 29.27.060 and 1985 c 252 s 1 are each amended to read  
22 as follows:

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

29 Questions to be submitted to the people of a county or municipality  
30 shall also be advertised as provided for nominees for office, and in  
31 such cases there shall also be printed on the ballot a concise  
32 statement posed as a question and not exceeding seventy-five words  
33 containing the essential features thereof expressed in such a manner as  
34 to clearly identify the proposition to be voted upon, which statement  
35 shall be prepared by the city or town attorney for the city or town,  
36 and by the prosecuting attorney for the county or any other (~~political~~  
37 ~~subdivision of the state~~) unit of local government, other than

1 ((cities)) a city or town, the majority area of which is situated in  
2 the county.

3 The concise statement constitutes the ballot title.

4 (2) The secretary of state shall certify to the county auditors the  
5 ballot title for a proposed constitution, constitutional amendment or  
6 other state-wide question at the same time and in the same manner as  
7 the ballot titles to initiatives and referendums.

8 (3) Subsection (1) of this section does not apply to referendum  
9 measures filed on an enactment of the state legislature or on an  
10 enactment of the legislative authority of a unit of local government,  
11 nor does it apply to the extent that other provisions of state law  
12 provide otherwise for a specific type of ballot question or  
13 proposition.

14 **Sec. 3.** RCW 29.79.040 and 1982 c 116 s 4 are each amended to read  
15 as follows:

16 Within seven calendar days after the receipt of an initiative or  
17 referendum measure the attorney general shall formulate and transmit to  
18 the secretary of state ((a)) the concise statement ((posed as a  
19 question and not to exceed twenty words,)) required by RCW 29.27.060 or  
20 section 1 of this act bearing the serial number of the measure and a  
21 summary of the measure, not to exceed seventy-five words, to follow the  
22 statement. The statement may be distinct from the legislative title of  
23 the measure, and shall give a true and impartial statement of the  
24 purpose of the measure. Neither the statement nor the summary may  
25 intentionally be an argument, nor likely to create prejudice, either  
26 for or against the measure. Except as provided for in section 1 of  
27 this act, such a concise statement shall constitute the ballot title.  
28 The ballot title or, for a referendum on a state enactment, the concise  
29 statement formulated by the attorney general shall be the ballot title  
30 of or concise statement describing the measure unless changed on  
31 appeal. When practicable, the question posed by the ballot title shall  
32 be written in such a way that an affirmative answer to such question  
33 and an affirmative vote on the measure would result in a change in then  
34 current law, and a negative answer to the question and a negative vote  
35 on the measure would result in no change to then current law.

36 **Sec. 4.** RCW 29.79.110 and 1982 c 116 s 11 are each amended to read  
37 as follows:

1 Petitions ordering that acts or parts of acts passed by the  
2 legislature be referred to the people at the next ensuing general  
3 election, or special election ordered by the legislature, shall be  
4 substantially in the following form:

5 WARNING

6 Every person who signs this petition with any other than his or her  
7 true name, knowingly signs more than one of these petitions, signs this  
8 petition when he or she is not a legal voter, or makes any false  
9 statement on this petition may be punished by fine or imprisonment or  
10 both.

11 PETITION FOR REFERENDUM

12 To the Honorable ....., Secretary of State of the State of  
13 Washington:

14 We, the undersigned citizens and legal voters of the State of  
15 Washington, respectfully order and direct that Referendum Measure No.  
16 ....., (~~entitled (here insert the established ballot title of the~~  
17 ~~measure) being~~) filed to revoke a (or part or parts of a) bill that  
18 (concise statement required by section 1 of this act) and that was  
19 passed by the ..... legislature of the State of Washington at the  
20 last regular (special) session of said legislature, shall be referred  
21 to the people of the state for their approval or rejection at the  
22 regular (special) election to be held on the ..... day of November,  
23 19..; and each of us for himself or herself says: I have personally  
24 signed this petition; I am a legal voter of the State of Washington, in  
25 the city (or town) and county written after my name, my residence  
26 address is correctly stated, and I have knowingly signed this petition  
27 only once.

28 .....