
SUBSTITUTE SENATE BILL 6445

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Hale and Costa; by request of Attorney General)

Read first time 02/04/2000.

1 AN ACT Relating to ballot titles; amending RCW 29.27.060,
2 29.79.040, 29.79.055, and 29.79.060; adding a new section to chapter
3 29.79 RCW; adding a new section to chapter 29.27 RCW; recodifying RCW
4 29.79.055; and repealing RCW 29.79.310 and 29.79.320.

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) The ballot title for an initiative to the people, an initiative
9 to the legislature, a referendum bill, or a referendum measure must
10 consist of: (a) A statement of the subject of the measure; (b) a
11 concise description of the measure; and (c) a question in the form
12 prescribed in this section for ballot measures. The statement of the
13 subject of a measure must be sufficiently broad to reflect the subject
14 of the measure, must be sufficiently precise to give notice of the
15 measure's subject matter, and must not exceed five words. The concise
16 description must contain no more than twenty-five words, must be a true
17 and impartial description of the measure's essential contents, must
18 clearly identify the proposition to be voted on, and must not, to the

1 extent reasonably possible, create prejudice either for or against the
2 measure.

3 (2) For an initiative to the people, or for an initiative to the
4 legislature for which the legislature has not proposed an alternative,
5 the ballot title must be displayed on the ballot substantially as
6 follows:

7 "Initiative Measure No. . . . concerns (statement of subject).
8 This measure would (concise description). Shall this measure
9 be adopted into law?

10 Yes l
11 No l "

12 (3) For an initiative to the legislature for which the legislature
13 has proposed an alternative, the ballot title must be displayed on the
14 ballot substantially as follows:

15 "Initiative Measure Nos. . . . and . . .B concern (statement of
16 subject).

17 Initiative Measure No. . . . would (concise description).

18 As an alternative, the legislature has proposed Initiative
19 Measure No. . . .B, which would (concise description).

20 1. Shall either of these measures be adopted into law?

21 Yes l
22 No l "

23 2. If one is adopted, which one shall it be? (vote for one)

24 Measure No. l

25 OR

26 Measure No. l "

27 (4) For a referendum bill or measure, the ballot issue must be
28 displayed on the ballot substantially as follows:

29 "The legislature has passed a law concerning (statement of
30 subject). If approved by the people, this law would (concise
31 description). Should this law be:

32 Approved l
33 Rejected l "

1 (5) The legislature may by law specify the ballot title for a
2 referendum bill, in which case the ballot title specified by the
3 legislature shall be the ballot title for all purposes. If the
4 legislature fails to specify a ballot title for a referendum bill, the
5 attorney general shall draft a concise description in the form set
6 forth in this section, and the ballot issue shall be displayed on the
7 ballot in the same manner as set forth in this section for a referendum
8 measure.

9 **Sec. 2.** RCW 29.27.060 and 1995 c 185 s 1 are each amended to read
10 as follows:

11 ~~(1) ((When a proposed constitution or constitutional amendment,~~
12 ~~initiative measure, referendum bill, or other question is to be~~
13 ~~submitted to the people of the state for state-wide popular vote, the~~
14 ~~attorney general shall prepare a concise statement posed as a question~~
15 ~~and not exceeding twenty-five words containing the essential features~~
16 ~~thereof expressed in such a manner as to clearly identify the~~
17 ~~proposition to be voted upon.))~~ When a proposed constitutional
18 amendment is to be submitted to the people of the state for state-wide
19 popular vote, the attorney general shall prepare a ballot title
20 consisting of: (a) A statement of the subject of the measure; (b) a
21 concise description of the measure; and (c) a question in the form
22 prescribed in this section for the ballot measure in question. The
23 statement of the subject of a measure must be sufficiently broad to
24 reflect the nature of the measure, must be sufficiently precise to give
25 notice of the measure's subject matter, and must not exceed five words.
26 The concise description shall contain no more than twenty-five words,
27 must give a true and impartial description of the measure's essential
28 contents, must clearly identify the proposition to be voted on, and
29 must not, to the extent reasonably possible, create prejudice either
30 for or against the measure.

31 (2) For a proposed constitution, the ballot title must be displayed
32 on the ballot substantially as follows:

33 "The legislature has submitted a proposed constitution for the
34 approval of the people. Should the proposed constitution be:

35 Approved 1_
36 Rejected 1"

1 (3) For a proposed constitutional amendment, the ballot title must
2 be displayed on the ballot substantially as follows:

3 "The legislature has proposed a constitutional amendment on
4 (statement of subject). This amendment would (concise
5 description). Shall this constitutional amendment be:

6 Approved 1
7 Rejected 1"

8 (4) If a question is submitted to the people for a state-wide
9 popular vote, and is not governed by any other provision of law, the
10 ballot title on the question must be displayed on the ballot
11 substantially as follows:

12 "The following question concerning (description of subject) has
13 been submitted to the voters: (Question as submitted).

14 Yes 1
15 No 1"

16 (5) Questions to be submitted to the people of a county or
17 municipality shall ((also)) be advertised as provided for nominees for
18 office, and in such cases there shall ((also)) be printed on the ballot
19 a concise statement posed as a question and not exceeding seventy-five
20 words containing the essential features thereof expressed in such a
21 manner as to clearly identify the proposition to be voted upon, which
22 statement shall be prepared by the city or town attorney for the city
23 or town, and by the prosecuting attorney for the county or any other
24 unit of local government, other than a city or town, the majority area
25 of which is situated in the county. The concise statement constitutes
26 the ballot title.

27 ((+2)) (6) The secretary of state shall certify to the county
28 auditors the ballot title for a proposed constitution, constitutional
29 amendment or other state-wide question at the same time and in the same
30 manner as the ballot titles to initiatives and referendums.

31 ((3) Subsection (1) of this section does not apply to referendum
32 measures filed on an enactment of the state legislature or on an
33 enactment of the legislative authority of a unit of local government,
34 nor does it apply to the extent that other provisions of state law
35 provide otherwise for a specific type of ballot question or
36 proposition.))

1 **Sec. 3.** RCW 29.79.040 and 1993 c 256 s 9 are each amended to read
2 as follows:

3 Within (~~seven calendar~~) five days after the receipt of an
4 initiative or referendum measure the attorney general shall formulate
5 and transmit to the secretary of state the (~~concise statement~~) ballot
6 title required by (~~RCW 29.27.060 or 29.79.055~~) section 1 of this act
7 bearing the serial number of the measure and a summary of the measure,
8 not to exceed seventy-five words(~~, to follow the statement. The~~
9 ~~statement may be distinct from the legislative title of the measure,~~
10 ~~and shall give a true and impartial statement of the purpose of the~~
11 ~~measure. Neither the statement nor the summary may intentionally be an~~
12 ~~argument, nor likely to create prejudice, either for or against the~~
13 ~~measure. Except as provided for in RCW 29.79.055, such a concise~~
14 ~~statement shall constitute the ballot title)). Saturdays, Sundays, and
15 state holidays shall not be counted in calculating the time limits in
16 this section. The ballot title (~~or, for a referendum on a state~~
17 ~~enactment, the concise statement~~) formulated by the attorney general
18 shall be the ballot title of (~~or concise statement describing~~) the
19 measure unless changed on appeal. (~~When practicable, the question~~
20 ~~posed by the ballot title shall be written in such a way that an~~
21 ~~affirmative answer to such question and an affirmative vote on the~~
22 ~~measure would result in a change in then current law, and a negative~~
23 ~~answer to the question and a negative vote on the measure would result~~
24 ~~in no change to then current law.))~~~~

25 **Sec. 4.** RCW 29.79.055 and 1993 c 256 s 7 are each amended to read
26 as follows:

27 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,
28 or 82.80.090, the ballot title of any referendum filed on an enactment
29 or portion of an enactment (~~of the state legislature or~~) of the
30 legislative authority of a unit of local government shall be composed
31 of three elements: (a) An identification of the enacting legislative
32 body; (b) a concise statement identifying the essential features of the
33 enactment on which the referendum is filed; and (c) a question asking
34 the voters whether the enactment should be approved or rejected by the
35 people. The ballot issue shall be displayed on the ballot
36 substantially as follows:

37 Referendum Measure No. XX. The (name of legislative body) has passed
38 a law that (concise statement). Should this law be

1 APPROVED

2 OR

3 REJECTED

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

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

17 ((4)) (3) A referendum measure on the enactment of a unit of
18 local government shall be advertised in the manner provided for
19 nominees for elective office.

20 **Sec. 5.** RCW 29.79.060 and 1982 c 116 s 6 are each amended to read
21 as follows:

22 If any person is dissatisfied with the ballot title or summary
23 formulated by the attorney general, he or she may, within five days
24 from the filing of the ballot title in the office of the secretary of
25 state appeal to the superior court of Thurston county by petition
26 setting forth the measure, the title or summary formulated by the
27 attorney general, and his or her objections to the ballot title or
28 summary and requesting amendment of the title or summary by the court.
29 Saturdays, Sundays, and legal holidays shall not be counted in
30 calculating the time limits contained in this section.

31 A copy of the petition on appeal together with a notice that an
32 appeal has been taken shall be served upon the secretary of state, upon
33 the attorney general, and upon the person proposing the measure if the
34 appeal is initiated by someone other than that person. Upon the filing
35 of the petition on appeal or at the time to which the hearing may be
36 adjourned by consent of the appellant, the court shall accord first
37 priority to examining the proposed measure, the title or summary
38 prepared by the attorney general, and the objections to that title or

1 summary, may hear arguments, and shall, within five days, render its
2 decision and file with the secretary of state a certified copy of such
3 ballot title or summary as it determines will meet the requirements of
4 RCW 29.27.060 and 29.79.040. The decision of the superior court shall
5 be final. Such appeal shall be heard without costs to either party.

6 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
7 repealed:

8 (1) RCW 29.79.310 (Form of ballot) and 1982 c 116 s 16 & 1965 c 9
9 s 29.79.310; and

10 (2) RCW 29.79.320 (Form of ballot for alternative measures) and
11 1965 c 9 s 29.79.320.

12 NEW SECTION. **Sec. 7.** RCW 29.79.055 is recodified in chapter 29.27
13 RCW.

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