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## State Government & Tribal Relations Committee

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### HB 2455

**Brief Description:** Providing local governments options regarding elections for competing ballot measures.

**Sponsors:** Representatives Gregerson, Pollet and Macri.

#### Brief Summary of Bill

- Permits local governments to use different ballot titles and voting processes for competing ballot measures—i.e., initiatives to the local government versus alternative measures proposed by the local government—than the ballot titles and voting processes used for competing statewide ballot measures.

**Hearing Date:** 1/30/24

**Staff:** Jason Zolle (786-7124).

#### Background:

The Washington Constitution provides voters with the right to participate in the lawmaking process through the initiative and referendum processes. A referendum may be ordered by the people or by the Legislature, and it permits the people to vote on whether an act passed by the Legislature should become law. An initiative is a piece of legislation proposed outside the Legislature and submitted to the Legislature for its consideration or to the people for a vote. When an initiative is submitted to the Legislature, the Legislature has three options:

- The Legislature may adopt the initiative as proposed, and it becomes law.
- The Legislature may reject or decline to act on the initiative, after which the initiative is placed on the ballot for a vote of the people.

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- The Legislature may propose an alternative measure dealing with the same subject, after which both the initiative and the alternative measure are placed on the ballot for a vote of the people.

When an initiative to the Legislature without an alternative measure appears on the ballot, the ballot title must be displayed as follows: "Initiative Measure (number) concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if applicable). Should this measure be enacted into law?" Voters are asked to select "yes" or "no."

When the ballot includes an initiative to the Legislature for which the Legislature has proposed an alternative, the process is different. First, the ballot describes the initiative as above. Then, the ballot describes the alternative measure similarly. Voters are then asked: "Should either of these measures be enacted into law?" Voters may select "yes" or "no." Finally, voters are asked: "Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?" Voters may then select between the two measures.

Some local governments in Washington also have processes by which voters can bring an initiative to the jurisdiction's governing body for consideration, and the governing body may propose an alternative such that both options appear on the ballot. These include many first class cities, commission cities, code cities, and charter counties. Under state law, ballot titles for local government ballot measures must conform with the requirements and be displayed substantially as provided under state law for initiatives.

In 2014 Division One of the Court of Appeals considered the legality of the City of Seattle's process for voting on initiatives to the Seattle City Council (Council) and alternatives proposed by the Council. A Seattle ordinance provided voters the opportunity to vote yes or no on the initiative and its alternative measure independently, and if both were approved, both would take effect; except that any conflict between the two measures would be resolved in favor of the measure with the most votes. The Court of Appeals held that this process for voting on initiatives and alternatives did not comport with state law, and was therefore preempted.

### **Summary of Bill:**

Local governments are permitted to use different ballot titles and voting processes for initiatives to the local government versus alternative measures proposed by the local government than the ballot titles and voting processes used for competing statewide ballot measures.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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