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**HOUSE BILL 2455**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Gregerson, Pollet, and Macri

Read first time 01/23/24. Referred to Committee on State Government & Tribal Relations.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that state law  
6 specifies the ballot title and process for when the legislature  
7 proposes an alternative for an initiative to the legislature. See RCW  
8 29A.72.050. The legislature further finds that in 2014, the court of  
9 appeals decided *In re Ballot Title Appeal of City of Seattle*  
10 *Initiatives 107-110*, 183 Wn. App. 379, 334 P.3d 59, which held that  
11 the state-law title and process requirements preempt local  
12 governments that have a different title or process requirements for  
13 elections for alternative ballot measures. The legislature intends to  
14 alter state law to permit local governments to use their own ballot  
15 title and process for elections for alternative ballot measures.

16 **Sec. 2.** RCW 29A.36.071 and 2017 c 328 s 4 are each amended to  
17 read as follows:

18 (1) Except as provided to the contrary in RCW 82.14.036,  
19 82.46.021, or 82.80.090, the ballot title of any referendum filed on  
20 an enactment or portion of an enactment of a local government and any

1 other question submitted to the voters of a local government consists  
2 of three elements: (a) An identification of the enacting legislative  
3 body and a statement of the subject matter; (b) a concise description  
4 of the measure; and (c) a question. The ballot title must conform  
5 with the requirements and be displayed substantially as provided  
6 under RCW 29A.72.050, except that the concise description must not  
7 exceed seventy-five words; however, a concise description submitted  
8 on behalf of a proposed or existing regional transportation  
9 investment district or a proposed fire protection district, as  
10 provided in RCW 52.02.160, may exceed seventy-five words. If the  
11 local governmental unit is a city or a town, or if the ballot title  
12 is for a referendum under RCW 35.13A.115, the concise statement must  
13 be prepared by the city or town attorney. If the local governmental  
14 unit is a county, the concise statement must be prepared by the  
15 prosecuting attorney of the county. If the unit is a unit of local  
16 government other than a city, town, or county, the concise statement  
17 must be prepared by the prosecuting attorney of the county within  
18 which the majority area of the unit is located.

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

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

25 (4) The provisions of RCW 29A.72.050(4) do not apply to local  
26 governments that adopt charters or ordinances with different  
27 provisions regarding ballot titles or processes for voters to express  
28 a preference for an initiative measure or an alternative measure  
29 passed by the jurisdiction on the same subject.

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