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HOUSE BILL 1595

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State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Schmick, Fagan, and Buys

Read first time 01/31/13. Referred to Committee on Local Government.

1            AN ACT Relating to the powers of initiative and referendum within  
2 counties that are not home rule charter counties; and adding new  
3 sections to chapter 36.01 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 36.01 RCW  
6 to read as follows:

7            (1) The voters of each county that does not operate under a home  
8 rule charter may exercise within the county the powers of initiative  
9 and referendum as provided in this section and sections 2 through 4 of  
10 this act. The powers of initiative and referendum may not be used to  
11 alter or avoid duties mandated by state law or state agency rule.

12            (2) The county legislative authority of each county that does not  
13 operate under a home rule charter must establish by ordinance the form  
14 to be used for referendum and initiative petitions in its county, and  
15 must establish procedures for the circulation and signing of referendum  
16 and initiative petitions.

17            (3) All referendum and initiative petitions adopted under  
18 subsection (2) of this section must contain the full text of the

1 proposed measure and the ballot title and the following warning  
2 verbatim:

3 "WARNING

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

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW  
11 to read as follows:

12 (1) Except as otherwise provided in this section and section 1 of  
13 this act, any legal voter of a county may initiate ordinances or  
14 amendments to existing ordinances by filing with the county auditor an  
15 initiative petition. No ordinance that is the result of an initiative  
16 approved by a majority of voters may be amended or repealed within two  
17 years after enactment, unless a measure to amend or repeal the  
18 ordinance is approved by a majority of voters voting at any special or  
19 general election or is approved by a unanimous vote of the entire  
20 membership of the county legislative authority.

21 (2) Ordinances providing for the compensation or working conditions  
22 of county employees, redistricting of commissioner districts,  
23 authorization or repeal of any appropriation of money or any portion of  
24 the annual budget, and authorization or repeal of taxes or fees, are  
25 not subject to an initiative.

26 (3)(a) Any legal voter of the county may file an initiative  
27 proposal with the county auditor. The county auditor may charge a  
28 twenty dollar filing fee. Within five working days from receipt of the  
29 proposal, the county auditor must confer with the petitioner to review  
30 the proposal as to form and style. The county auditor must assign the  
31 initiative proposal a serial number, which must be the identifying  
32 number for the proposal. The county auditor must then transmit a copy  
33 of the proposal to the county prosecuting attorney.

34 (b) The county prosecuting attorney must confer with the petitioner  
35 to review the legal aspects of the proposal. Within ten working days  
36 after receipt of the proposal, the county prosecuting attorney must  
37 compose a concise statement, posed as a positive question that does not

1 contain more than twenty-five words, that is a true and impartial  
2 description of the initiative petition's essential contents. The  
3 concise statement must be the ballot title.

4 (c) The petitioner has one hundred twenty days after the ballot  
5 title is composed by the county prosecuting attorney to collect  
6 signatures of registered voters of the county, equal to or more than  
7 twenty-five percent of the number of votes cast in the county for the  
8 office of governor at the last regular gubernatorial election, and  
9 submit the petition containing the signatures to the county auditor for  
10 filing. All initiative petitions proposing a measure to be submitted  
11 to the people for their approval or rejection at the next general  
12 election must be submitted for filing not less than one hundred twenty  
13 days before such election.

14 (d) Within ten days after the filing of the initiative petition,  
15 the county auditor must determine whether the petition bears sufficient  
16 signatures.

17 (e) If the county auditor verifies the petition as containing  
18 sufficient signatures, the county legislative authority must, within  
19 twenty days after the petition is verified, consider the proposed  
20 initiative. The county legislative authority must either pass the  
21 proposed initiative without change or amendment or submit the proposed  
22 initiative to the people at the next general election.

23 (f) If the proposed initiative is enacted by the county legislative  
24 authority without change or amendment, the initiative is subject to  
25 referendum.

26 (g) If the county legislative authority does not pass the proposed  
27 initiative and proposes a substitute measure concerning the same  
28 subject matter, the proposed substitute measure may be placed on the  
29 same ballot with the proposed initiative. On the ballot, the voters  
30 must be given, first, the option of approving either measure or  
31 rejecting both measures and, second, the option to approve one measure  
32 and reject the other. If a majority of the voters voting on the first  
33 option are for approving either measure, then the measure receiving the  
34 majority of votes cast on the second option is approved. If a majority  
35 of the voters voting on the first option are for rejecting both  
36 measures, then neither measure is approved regardless of the votes on  
37 the second option.

1        NEW SECTION.    **Sec. 3.** A new section is added to chapter 36.01 RCW  
2 to read as follows:

3        The county legislative authority by ordinance may submit any  
4 proposed or enacted ordinance to the voters for their approval or  
5 rejection at a general or special election. If the ordinance is  
6 approved by a majority of the voters voting on it, the ordinance  
7 becomes effective ten days after the results of the election are  
8 certified, unless a later date is specified by the measure submitting  
9 the ordinance to the voters. If an enacted ordinance is rejected by a  
10 majority of voters voting on it, the ordinance ceases to be effective  
11 ten days after the results of the election are certified, unless a  
12 later date is specified by the measure submitting the ordinance to the  
13 voters.

14        NEW SECTION.    **Sec. 4.** A new section is added to chapter 36.01 RCW  
15 to read as follows:

16        (1)(a) Except as provided in this section and section 1 of this  
17 act, an ordinance, or any part of an ordinance, may be subjected to a  
18 referendum by the voters of the county. Emergency ordinances,  
19 ordinances, or sections of any ordinance that: Provide for the  
20 compensation or working conditions of county employees; authorize or  
21 repeal any appropriations of money or any portion of the annual budget;  
22 or authorize or repeal taxes or fees are not subject to referendum.

23        (b) Upon the filing of a referendum petition, the operation of the  
24 protested ordinance must be suspended until the referendum petition is  
25 found insufficient or until the referendum has been rejected by a  
26 majority of voters voting at an election. The filing of a referendum  
27 petition against one or more sections of any ordinance suspends the  
28 operation of only those protested sections pending the outcome of the  
29 referendum.

30        (2)(a) Any legal voter of the county may file a referendum proposal  
31 against any ordinance, or part of any ordinance, with the county  
32 auditor within fifteen days after the ordinance is enacted by the  
33 county legislative authority. The county auditor may charge a twenty  
34 dollar filing fee.

35        (b) Within five working days from its receipt of the referendum  
36 proposal, the county auditor must confer with the petitioner to review  
37 the proposal as to form and style. The county auditor must assign the

1 referendum proposal a serial number, which must be the identifying  
2 number for the proposal. The county auditor must then transmit a copy  
3 of the proposal to the county prosecuting attorney.

4 (c) The county prosecuting attorney must confer with the petitioner  
5 to review the legal aspects of the proposal. Within ten working days  
6 after receipt of the proposal, the county prosecuting attorney must  
7 compose a concise statement, posed as a positive question that does not  
8 contain more than twenty-five words, that is a true and impartial  
9 description of the referendum petition's essential contents. The  
10 concise statement must be the ballot title.

11 (d) The petitioner has one hundred twenty days after the ballot  
12 title is composed by the county prosecuting attorney to collect  
13 signatures of registered voters of the county, equal to or more than  
14 twenty-five percent of the number of votes cast in the county for the  
15 office of governor at the last regular gubernatorial election, and  
16 submit the referendum petition containing the signatures to the county  
17 auditor for filing. All referendum petitions proposing a measure to be  
18 submitted to the people for their approval or rejection at the next  
19 general or special election must be submitted for filing not less than  
20 ninety days before such election.

21 (e) Within ten days after the filing of the referendum petition,  
22 the county auditor must determine whether the petition bears sufficient  
23 signatures. If the county auditor verifies the petition as containing  
24 sufficient signatures, the county auditor must submit the proposed  
25 referendum to the people at the next general or special election.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.01 RCW  
27 to read as follows:

28 (1) Sections 1 through 4 of this act do not apply to any county  
29 that operates under a home rule charter.

30 (2) Sections 1 through 4 of this act do not supersede conflicting  
31 special local referendum procedures enacted in any other legislation.

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