



**King County**  
**Metropolitan King County Council**  
**Committee of the Whole**

**STAFF REPORT**

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<b>Agenda Item No.:</b> 6	<b>Date:</b>	<b>July 28, 2008</b>
<b>Ordinance No.:</b> 2008-0407	<b>Prepared by:</b>	<b>Rebecha Cusack Nick Wagner</b>

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**SUMMARY**

Proposed Ordinance 2008-0407 would partially implement the charter amendment that would be placed on the November 2008 ballot by Proposed Ordinance 2008-0316 (if that ordinance is adopted by the Council). The key provision is the establishment of a 120-day time period for gathering signatures in support of charter amendments by citizen initiative. Proposed Ordinance 2008-0407 would not take effect unless the voters approved the charter amendment.

**BACKGROUND**

The Washington Supreme Court decided in 2003 that ordinances proposing amendments to the Charter are within the scope of the initiative power set forth in the existing King County Charter.<sup>1</sup> Initiatives under the Charter have a signature threshold of registered voters representing 10 percent of the votes cast for the office of county executive in the last election for that office. In addition, two separate elections are currently needed for enactment of a charter amendment by citizen initiative. First, the proposed initiative ordinance that would place the charter amendment on the ballot is submitted to the voters at a special or general election, unless the initiative ordinance is enacted by the county council. If approved by the council or the voters, the charter amendment itself is submitted to the voters for their approval or rejection at the next general election occurring more than 45 days after enactment of the ordinance.

If approved by the voters at the November 2008 general election, the charter amendment in Proposed Ordinance 2008-0361 would establish a separate initiative process for initiatives proposing charter amendments. It would increase the signature requirement to 20% of the votes cast for the office of county executive in the last election. The amendment would eliminate the current need for either council action or approval of the voters at a first election on the issue of whether the initiative should be placed on the ballot.

Like the current charter's initiative provisions, the proposed charter amendment does not set a deadline for filing signatures to propose the charter amendment ordinance. Since 1969, the same year that the King County Charter became effective, the deadline for filing initiative signatures has been set by ordinance. The original deadline for filing signatures in support of citizen initiatives was set at 60 days by Ordinance 159 in 1969. In 1998, Ordinance 13074 lengthened

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<sup>1</sup> *Maleng v. King County Corrections Guild*, 150 Wn.2d 325 (2003).

that deadline to the current 90 days. Enactment of a charter amendment creating a new type of initiative for charter amendments will require amendments to existing code to implement the amendment.

## **SUMMARY OF THE PROPOSED LEGISLATION**

Proposed Ordinance 2008-0407 would set a deadline of 120 days for filing signatures to propose a charter amendment by citizen initiative. As introduced, the proposed ordinance would also modify a number of procedural provisions in the county code pertaining to citizen initiatives, primarily to make clear that they apply to citizen initiatives to amend the Charter.

A striking amendment proposed by the prime sponsor of the original ordinance would reduce the scope of the ordinance to two areas: (1) setting a deadline for filing signatures and (2) clarifying that the procedure for filing proposed initiative petitions with the clerk of the council (KCC sections 1.16.020 and 1.16.030) applies to citizen initiatives to amend the charter. Additional code amendments along the lines of the provisions that the striking amendment would delete from Proposed Ordinance 2008-0407 may be developed for later council consideration after further review of the code by staff and the Office of the Prosecuting Attorney.

## **ANALYSIS**

The key substantive provision of Proposed Ordinance 2008-0407 is the 120-day time period for filing signatures to propose an amendment to the Charter. The Charter currently sets a signature threshold of 10 percent of the votes cast for the office of county executive in the last election. The code currently allows 90 days for those signatures to be filed. Proposed Ordinance 2008-0361 would place on the ballot a charter amendment raising the initiative signature threshold to 20 percent for proposed charter amendments. Proposed Ordinance 2008-0407 would lengthen the deadline for filing initiative signatures to propose charter amendment to 120 days if the charter amendment is approved by the voters.

The comparable figures for the other five Washington home rule counties are listed in the table that is Attachment 4 to this staff report. The table lists each county's percentage signature threshold and time for gathering signatures, together with the effect of those requirements if they were applied to King County, in terms of both the total number of signatures that must be gathered and the average number of signatures that would need to be gathered per day.

## **OPTIONS AND SUPPORTING ARGUMENTS**

### **1. Approve the proposed ordinance, as amended, with a 120-day time period for gathering signatures.**

- A 120-day period for gathering signatures for charter amendment initiatives is commensurate with the time allowed in four of the other five Washington home rule counties.
- It should be more difficult to amend the Charter than the county code, because the Charter is the foundation of county government—the county's "Constitution."

- Specifying the time period for gathering signatures in the county code rather than in the proposed charter amendment provides greater flexibility for the future. This continues the practice that King County has followed for initiative signature deadlines from the initial enactment of a 60-day period by ordinance in 1969, through the enlargement of that period to 90 days by ordinance in 1998, to the present.

**2. Approve the proposed ordinance, as amended, with a longer period for gathering signatures.**

- One of the other five Washington home rule counties, Pierce County, has the same signature threshold that is being proposed for King County, but allows 180 days for signatures to be gathered.

**3. Do not approve the proposed ordinance.**

- This option would retain the existing 90-day deadline for all initiatives. The council could consider at a later date adopting a different deadline for initiatives proposing charter amendments.

**ATTACHMENTS**

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Signature Report

July 24, 2008

Ordinance

**Proposed No.** 2008-0407.1

**Sponsors** Constantine, Phillips, Gossett,  
Ferguson and Patterson

1 AN ORDINANCE implementing charter review  
2 commission provisions regarding citizen initiated charter  
3 amendments, establishing establish deadlines and  
4 procedures for citizen initiated charter amendments and  
5 amending Ordinance 159, Sections 2 through 9, as  
6 amended, Ordinance 823, Section 1, as amended, and  
7 Ordinance 8024, Sections 1 through 9, as amended.

8  
9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Ordinance 159 § 1, as amended, and K.C.C. 1.16.010 are each  
11 hereby amended to read as follows:

12 **1.16.010 General requirements.** Persons proposing initiatives,  
13 referenda((measures)) or citizen initiated charter amendments may, after compliance with  
14 Sections 1.16.040, 1.16.050 and 1.16.060, prepare blank petitions and cause them to be  
15 printed upon single sheets of white paper of good quality, nine and one-half inches in  
16 width and thirteen inches in length, with a margin of one and three-quarters inches at the  
17 top for binding. Each petition shall consist of not more than five sheets with numbered

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18 lines for not more than twenty signatures on each sheet, with the prescribed title and form  
19 of petition on each sheet, and ~~((, if appropriate under Section 1.16.080,))~~ a full, true and  
20 correct copy of the ~~((proposed))~~ measure referred to therein printed on the reverse side of  
21 the petition or on sheets of paper of like size and quality as the petition, firmly fastened  
22 together; provided, whenever possible, every initiative, ~~((or))~~ referendum or citizen  
23 initiated charter amendment petition proposed shall be phrased in affirmative language so  
24 that a yes vote will clearly be a vote in favor of the proposition and a no vote will clearly  
25 be a vote in opposition to the proposition.

26 SECTION 2. Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020 are  
27 each hereby amended to read as follows:

28 **1.16.020 Filing proposed measure.** If any individual, or committee of  
29 individuals, desires to petition the council to enact a proposed measure or to order that a  
30 citizen initiated charter amendment or a referendum of any ordinance passed by the  
31 council be submitted to the electorate, he or she shall file in the office of the clerk of the  
32 council five printed or typewritten copies of the initiative, citizen initiated charter  
33 amendment or ~~((measure proposed or))~~ referendum petition, accompanied by the name  
34 and post office address of the proposer.

35 SECTION 3. Ordinance 159, Section 3, as amended, and K.C.C. 1.16.030 are  
36 each hereby amended to read as follows:

37 **1.16.030 Time for filing initiative, ~~((and))~~ referendum and citizen initiated**  
38 **charter amendment petitions.**

39 A. Initiative petitions containing the required signatures of registered voters of the  
40 county as provided in Section 230.50 of the Charter, must be filed within NINETY days

41 from the date of approval of such form by the clerk of the council. If petitioner fails to  
42 file such petition within the prescribed time limit, it shall have no validity and the petition  
43 will not be considered by the council as an initiative petition.

44 B. Referendum petitions containing the required signatures of registered voters of  
45 the county, as provided in Section 230.40 of the Charter, must be filed within forty-five  
46 days after the enactment of the ordinance to be referred to the voters. If the petitioner  
47 fails to file such petition within the prescribed time limit, it shall have no validity and will  
48 not be referred to the voters.

49 C. Citizen initiated charter amendment petitions containing the required  
50 signatures of registered voters of the county as provided in Section 800.20 of the Charter,  
51 must be filed within 120 days from the date of approval of such form by the clerk of the  
52 council. If petitioner fails to file such petition within the prescribed time limit, it shall  
53 have no validity and the petition will not be referred to the voters.

54 SECTION 4. Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040 are  
55 each hereby amended to read as follows:

56 **1.16.040 Numbering - Transmittal to Elections Division (~~of Records and~~**  
57 **Elections)).** The clerk of the council shall assign a serial number to each initiative,  
58 (~~measure or~~)referendum or citizen initiated charter amendment petition, using a  
59 separate series for each, and forthwith transmit one copy of the measure proposed,  
60 bearing its serial number, to the Elections Division (~~of Records and Elections~~) and the  
61 office of the prosecuting attorney. Thereafter a measure shall be known and designated  
62 on all petitions, ballots and proceedings as "Initiative Measure No . . ." (~~or~~)  
63 "Referendum Measure No . . ." or "Citizen Initiated Charter Amendment No . . .".

64            SECTION 5. Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050 are  
65 each hereby amended to read as follows:

66            **1.16.050 Ballot title - Formulation.** Within five days after the filing of an  
67 initiative, ~~((measure or))~~ referendum or citizen initiated charter amendment petition with  
68 the clerk of the council, the prosecuting attorney shall prepare a ballot title and transmit it  
69 to the clerk of the council and the ~~((Records and))~~ Elections Division bearing the serial  
70 number of the measure. The ballot title shall be a concise statement in the form of a  
71 question containing the essential features of the measure and not exceeding twenty words  
72 and may be drafted in common language for greater clarity. The ballot title shall be  
73 phrased in language so that a yes vote will clearly be a vote in favor of the action or  
74 condition that would result from the approval of the measure, and a no vote will clearly  
75 be a vote in opposition to such action or condition. In the case of a referendum to ratify or  
76 revoke some prior action, the ballot title may refer directly to the prior action rather than  
77 to the ratification or revocation of said action. The ballot title prepared by the prosecuting  
78 attorney shall be included in the initiative, referendum or ((initiative)) citizen initiated  
79 charter amendment petition as provided for in Sections 1.16.070, ~~((and))~~ 1.16.080 and  
80 1.16.085.

81            SECTION 6. Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060 are  
82 each hereby amended to read as follows:

83            **1.16.060 Ballot title - Notice to proponents.** Upon the filing by the prosecuting  
84 attorney of the ballot title for an initiative, ~~((or))~~ referendum or citizen initiated charter  
85 amendment (( )) with the Elections Division, ((in that office, the Records and-)) the  
86 Elections Division shall forthwith notify the persons proposing the measure, by mail, of



87 the exact language thereof. Thereafter, such ballot title shall be the title of the measure in  
88 all proceedings in relation thereto.

89 SECTION 7. Ordinance 159, Section 7, as amended, and K.C.C. 1.16.070 are  
90 each hereby amended to read as follows:

91 **1.16.070 Form of petitions for ordinances referred to people.** Petitions  
92 ordering that ordinances passed by the council be referred to the people at a((~~the~~)) special  
93 or general election, as provided in Article 2, Section 230.40 of the Charter, shall be  
94 substantially in the following form:

95 **"WARNING**

96 Every person who signs this petition with any other than his or her true name, or  
97 who knowingly signs more than one of these petitions, or who signs this petition  
98 when he or she is not a legal voter, or who makes herein any false statement, shall be  
99 punished as provided by law.

100 **PETITION FOR REFERENDUM**

101 To the Clerk of the King County Council, King County, Washington: We, the  
102 undersigned citizens of King County, State of Washington and legal voters of the  
103 respective precincts set opposite our names, respectfully order and direct that  
104 Referendum Measure No . . . . ., entitled (here set forth the title of the  
105 ordinance) being an ordinance passed by the King County Council on the . . . . . day  
106 of . . . . ., ((19))20. . . . ., and which would appear on the ballot in the following  
107 form:

108 (ballot title prepared by the prosecuting attorney)

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109 shall be referred to the people of the County for their approval or rejection; and  
110 each of us for himself or herself says: I have personally signed this petition; I am a  
111 legal voter of King County, State of Washington in the precinct, city or town written  
112 after my name, and my residence address is correctly stated. A full, true and correct  
113 copy of the ordinance is attached hereto and on file with the Clerk of the Council and  
114 available for public inspection.

<b>Petitioner's Signature</b>	<b>Petitioner's Printed Name</b>	<b>Residence Address Street and Number (if any)</b>	<b>City or Town</b>	<b>Precinct Name or Number (if known)</b>
1. ....				
2. ....				
3. ....				
4. ...."				

115  
116 SECTION 8. Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080 are  
117 each hereby amended to read as follows:

118 **1.16.080 Petitions to council - Form.** Petitions for proposing measures for  
119 submission to the King County council shall be substantially in the following form:

120 **"WARNING**

121 Every person who signs this petition with any other than his or her true name, or  
122 who knowingly signs more than one of these petitions, or who signs this petition

123 when he or she is not a legal voter, or who makes herein any false statement, shall be  
124 punished as provided by law.

125 **INITIATIVE PETITION FOR SUBMISSION TO**  
126 **THE KING COUNTY COUNCIL**

127 To the Clerk of the King County Council, King County, Washington:

128 We, the undersigned citizens of King County, State of Washington, and legal  
129 voters of the respective precincts set opposite our names, respectfully direct that this  
130 petition and the proposed measure known as Initiative Measure No. . . . . ,  
131 and which would appear on the ballot in the following form:

132 (ballot title prepared by the prosecuting attorney)

133 a full, true and correct copy of which is hereby attached, and on file with the  
134 Clerk of the Council and available for public inspection, shall be transmitted to the  
135 King County Council, and we respectfully petition the Council to enact said measure  
136 into law; and, if not enacted within ninety days from the time of presentment, then to  
137 be placed on the ballot at the next regular or special election for approval by the  
138 voters of King County; and each of us for himself or herself says: I have personally  
139 signed this petition; I am a legal voter of King County, State of Washington in the  
140 precinct, city or town written after my name and my residence address is correctly  
141 stated.

<b>Petitioner's Signature</b>	<b>Petitioner's Printed Name</b>	<b>Residence Address Street and Number (if any)</b>	<b>City or Town</b>	<b>Precinct Name or Number (if known)</b>
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1. ....
2. ....
3. ....
4. ...."

142

143            SECTION 9. A new section is added to and K.C.C. Chapter 1.16 to read as  
144 follows:

145            **1.16.085 Form of petition for citizen initiated charter amendments.** Petitions  
146 for citizen initiated charter amendments, as provided in Section 800.20 of the Charter,  
147 shall be substantially in the following form:

148            **"WARNING**

149            Every person who signs this petition with any other than his or her true name, or  
150 who knowingly signs more than one of these petitions, or who signs this petition  
151 when he or she is not a legal voter, or who makes herein any false statement, shall be  
152 punished as provided by law.

153            **CITIZEN INITIATED CHARTER AMENDMENT**

154            To the Clerk of the King County Council, King County, Washington:

155            We, the undersigned citizens of King County, State of Washington, and legal  
156 voters of the respective precincts set opposite our names, respectfully order and direct  
157 that Citizen Initiated Charter Amendment No. . . . ., and which would  
158 appear on the ballot in the following form:

159            (ballot title prepared by the prosecuting attorney)

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160           shall be referred to the people of King County for their approval or rejection at the  
161           next general election; and each us for himself or herself says: I have personally signed  
162           this petition; I am a legal voter of King County, State of Washington in the precinct,  
163           city or town written after my name and my residence address is correctly stated. A  
164           full, true and correct copy of the citizen initiated charter amendment is attached  
165           hereto and on file with the Clerk of the Council and available for public inspection.  
166

<u>Petitioner's Signature</u>	<u>Petitioner's Printed Name</u>	<u>Residence Address Street and Number (if any)</u>	<u>City or Town</u>	<u>Precinct Name or Number (if known)</u>
1. ....				
2. ....				
3. ....				
4. ...."				

167  
168           SECTION 10. Ordinance 159, Section 9, as amended, and K.C.C. 1.16.090 are  
169 each hereby amended to read as follows:

170           **1.16.090 Penalties.** Every person who signs an initiative,~~((or))~~ referendum or  
171 citizen initiated charter amendment petition with any other than his or her true name, or  
172 who knowingly signs more than one petition for the same initiative,~~((or))~~ referendum or  
173 citizen initiated charter amendment (~~(-measure)~~), or who signs such petition knowing that  
174 he or she is not a legal voter, or who makes a false statement as to his or her residence on

175 any initiative,~~((or))~~ referendum or citizen initiated charter amendment petition, is guilty  
176 of a misdemeanor and shall be punished as provided by the laws of the state of  
177 Washington.

178 SECTION 11. Ordinance 823, Section 1, as amended, and K.C.C. 1.16.100 are  
179 each hereby amended to read as follows:

180 **1.16.100 Canvass and count of signatures - statistical sampling authorized.**

181 A. When petitions for initiative,~~((or))~~ referendum or citizen initiated charter  
182 amendment action are filed with the county council, the ~~((records,))~~elections  
183 division~~((and licensing services division))~~ shall proceed to canvass and count the names  
184 of the legal voters on the petition~~((initiative or referendum))~~. The ~~((records,))~~elections  
185 ~~((and licensing services))~~division may use any statistical sampling techniques for this  
186 canvass that have been approved by the county council. However, no petition shall be  
187 rejected on the basis of any statistical method employed and no petition shall be accepted  
188 on the basis of any statistical method employed if that method indicates that the petition  
189 contains fewer than the requisite number of signatures of legal voters. If the elections  
190 ~~(())~~division finds the same name signed to more than one petition, it shall count only the  
191 first valid signature and shall reject all subsequent instances of the signature of the same  
192 person on the petition. After the petitions are processed, the ~~((records,))~~elections ~~((and~~  
193 ~~licensing services))~~division shall transmit a certified copy of the facts relating to the  
194 filing of the petition and the canvass to the county council.

195 B. In the verification of signatures on initiative,~~((and))~~ referendum and citizen  
196 initiated charter amendment petitions, the ~~((records,))~~elections ~~((and licensing~~

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197 ~~services~~)division shall use the random sampling statistical procedure as authorized by

198 WAC 434-379-010.

199

200            SECTION 12. Ordinance 8024, Section 1, as amended, and K.C.C. 1.18.010 are  
201 each hereby amended to read as follows:

202            **1.18.010 Findings of fact.** The King County council, based upon its knowledge  
203 of recent events in King County, makes the following findings of fact:

204            A. The language and form of referendum and initiative petitions have been  
205 subject to unapproved alteration by persons who wished to use the petitions as  
206 instruments of political debate or to induce voters to sign petitions based on inaccurate or  
207 misleading characterizations of the petitions.

208            B. The King County council, while encouraging vigorous political debate over the  
209 merits of referendums and initiatives, finds and declares that the petitions themselves  
210 should be documents which inform voters of the issues before them and which record the  
211 signatures of voters who wish to support the referendum or initiative.

212            C. The King County council finds and declares that sanctions are needed to  
213 discourage alteration of petitions and to uphold the integrity of the referendum and  
214 initiative process.

215            SECTION 13. Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020 are  
216 each hereby amended to read as follows:

217            **1.18.020 Definitions.** For the purpose of this chapter the following definitions are  
218 adopted:

219            A. ALTER/ALTERATION.

220            1. To "alter" means to cause alteration. "Alteration" is any change to a  
221 referendum,~~((or))~~ initiative or citizen initiated charter amendment petition which occurs  
222 between the time the form and language of the petition are approved by the clerk of the



223 council and the time when signed petitions are returned to the clerk, with the exception  
224 of:

225 a. The signatures and other information required of the petition signers;  
226 b. Normal wear and tear, so long as such wear and tear does not prevent one  
227 from reading all of the approved language on the petition.

228 2. The following are representative examples of alteration:

229 a. The addition of any unapproved language, either printed or handwritten;  
230 b. The crossing-out, covering or obscuring of approved language;  
231 c. The underlining or highlighting of any words or part of the petition;  
232 d. The physical attachment to the petition by any means - for example, by  
233 stapling, taping, gluing, or clipping - of any unapproved document.

234 3. Alteration is either permanent, that is, observable at the time the signed  
235 petitions are returned to the clerk of the council; or temporary, that is, occurring at any  
236 time during the solicitation of signatures for the petition but not longer observable when  
237 the signed petitions are returned to the clerk of the council.

238 B. CANVASSING BOARD. The "canvassing board" shall consist of the county  
239 executive, the ~~((manager of the records and))~~ director of the elections division, and the  
240 county prosecutor, or their respective designees. The powers and duties of the  
241 canvassing board as set forth in this chapter are independent of any powers and duties  
242 created by Title 29A RCW or any other state statute.

243 SECTION 14. Ordinance 8024, Section 3, as amended, and K.C.C. 1.18.030 are  
244 each hereby amended to read as follows:

245           **1.18.030 Sample petition must be approved.** No referendum~~,((~~or~~)~~ initiative or  
246 citizen initiated charter amendment petition shall be distributed to the public for  
247 solicitation of signatures until a sample petition, in the form required by K.C.C.1.16.070,  
248 ~~((~~or~~))~~ K.C.C. 1.16.080 or K.C.C. 1.16.085, has been submitted to and approved by the  
249 clerk of the council. This sample petition shall either be one of the printed petitions or a  
250 galley proof or other accurate specimen of the printed petition. The clerk shall retain this  
251 sample petition for comparison with the signed petitions later filed for counting and  
252 canvassing of signatures.

253           SECTION 1. Ordinance 8024, Section 4, as amended, and K.C.C. 1.18.040 are  
254 each hereby amended to read as follows:

255           **1.18.040 Signatures on altered petitions invalid.** All signatures on any petition  
256 which has been temporarily or permanently altered shall be invalid and shall not count  
257 towards the number of signatures needed to satisfy the requirements of King County  
258 Charter 230.40~~,((~~or~~))~~ 230.50 or 800.20.

259           SECTION 1. Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050 are  
260 each hereby amended to read as follows:

261           **1.18.050 Permanent alteration - clerk of the council.** When signed petitions are  
262 filed with the council pursuant to K.C.C. 1.16.100, the clerk of the council shall examine  
263 the petitions to determine whether they have been permanently altered. Any altered  
264 petitions shall be retained by the clerk and not transmitted to the ~~((records and))~~ elections  
265 division for canvassing and counting. The clerk shall notify the petition sponsor(s) of this  
266 action and shall make the altered petitions available for inspection. The ~~((records and))~~

267 elections division shall incorporate the fact that altered petitions were not counted in its  
268 certified copy of the facts filed pursuant to K.C.C. 1.16.100.

269 SECTION 15. Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060 are  
270 each hereby amended to read as follows:

271 **1.18.060 Temporary alteration - canvassing board.** Before the ~~((records~~  
272 ~~and))~~elections division certifies the facts relating to the filing and canvass of an initiative  
273 or citizen initiated charter amendment petition~~((pursuant to K.C.C. 1.16.100))~~, or before  
274 the expiration of forty-five days after enactment of the ordinance which is the subject of a  
275 referendum petition, a registered voter may allege that petitions have been temporarily  
276 altered. This allegation shall be made by filing with the clerk of the council an affidavit  
277 which states the factual basis for the allegation. The clerk of the council shall transmit a  
278 copy of the affidavit to the ~~((records and))~~elections division, which shall proceed to  
279 count and canvass the names of the legal voters on the petitions transmitted to it by the  
280 clerk of the council. If the number of signatures which would be valid if obtained on  
281 unaltered petitions is insufficient to satisfy the requirements of Charter 230.40~~((or))~~  
282 230.50 or 800.20, then the ~~((records and))~~elections division shall certify the facts relating  
283 to the filing and canvass of the petition pursuant to K.C.C. 1.16.100. If the number of  
284 signatures which would be valid if obtained on unaltered petitions satisfies the  
285 requirements of Charter 230.40~~((or))~~ 230.50 or 800.20, then the ~~((records and))~~elections  
286 division shall transmit to the members of the canvassing board both its count of the  
287 signatures and a copy of the affidavit alleging alteration.

288 SECTION 16. Ordinance 8024, Section 7, as amended, and K.C.C. 1,18.070 are  
289 each hereby amended to read as follows:

290           **1.18.070 Fact-finding hearing.** The members of the canvassing board, upon  
291 receipt from the ((records and-)elections division of an affidavit alleging temporary  
292 alteration and a count of the signatures which would be valid if obtained on unaltered  
293 petitions, shall convene a fact-finding hearing as follows:

294           A. The canvassing board shall determine whether temporary alteration took place  
295 as alleged, and, if so, shall determine whether the number of signatures invalidated by  
296 alteration reduces the number of signatures that can be counted below the requirements of  
297 Charter 230.40,~~((or))~~ 230.50 or 800.20.

298           B. The members of the canvassing board must agree unanimously in order to  
299 invalidate signatures pursuant to K.C.C. 1.18.040 of this chapter.

300           C. The parties to the hearing shall be the petition challenger(s) and the petition  
301 sponsor(s). The petition challenger(s) shall have the burden of proving the fact, nature,  
302 and extent of the alteration by a preponderance of the evidence.

303           D. The hearing shall be electronically recorded.

304           E. The hearing shall commence no later than three days after the affidavit which  
305 alleges alteration and the count of signatures is transmitted to the members of the  
306 canvassing board, unless both the petition challenger(s) and the petition sponsor(s) agree  
307 upon a later date.

308           F. The prosecutor or his designee shall be responsible for scheduling the hearing,  
309 for giving timely notice of its date to the petition challenger(s) and petition sponsor(s),  
310 and for making procedural rulings during the hearing. These procedural decisions of the  
311 prosecutor or his designee shall be subject to modification by majority vote of the  
312 canvassing board.

313 G. The canvassing board shall transmit its findings to the ((records and))elections  
314 division, which shall incorporate the findings into the certified copy of the facts filed  
315 pursuant to K.C.C. 1.16.100.

316 SECTION 17. Ordinance 8024, Section 8, as amended, and K.C.C. 1.18.080 are  
317 each hereby amended to read as follows:

318 **1.18.080 Appeal to Superior Court.** The decision of the clerk of the council  
319 regarding permanent alteration and the decision of the canvassing board regarding  
320 temporary alteration shall be final unless an aggrieved petition challenger or sponsor both  
321 applies for a writ of certiorari with the King County Superior Court and serves a copy of  
322 the writ application on the clerk of the council within ten (10) calendar days of the date  
323 the ((records and))elections division files a certified copy of the facts pursuant to K.C.C.  
324 1.16.100.

325 SECTION 18. Ordinance 8024, Section 9, as amended, and K.C.C. 1.18.090 are  
326 each hereby amended to read as follows:

327 **1.18.090 Penalties for alteration.** Any person who, intentionally and  
328 maliciously, alters a referendum, ~~((-or))~~ initiative or citizen initiated charter amendment  
329 petition or who distributes an altered referendum, ~~((-or))~~ initiative or citizen initiated charter  
330 amendment petition shall be guilty of a misdemeanor and shall be punished as provided  
331 by the laws of the State of Washington. The act of intentionally altering a petition shall  
332 be a separate crime for each petition so altered. For purposes of this section, one acts  
333 intentionally if one acts with the culpability defined in RCW 9A.08.010(1) (a), and one  
334 acts maliciously if one acts with the culpability defined in RCW 9A.04.110(12), as those  
335 sections now exist or are hereafter amended.

**Ordinance**

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336            SECTION 19. This ordinance shall take effect on certification by the elections  
337            division manager of voter approval of the proposed amendment to section 800 of the  
338            King County Charter, establishing a process for citizen initiated charter amendments.  
339

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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ATTEST:

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APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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**Attachments**      None

July 28, 2008

ms/jb/nw/bar

Sponsor: Constantine

Proposed No.: 2008-0407

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2008-0407, VERSION**

2 **1**

3 On page 1, beginning on line 9, strike everything through page 18, line 339, and insert:

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. The King County Charter was adopted by the voters at the November 1968  
7 general election and became effective May 1, 1969. Ordinance 159, enacted in  
8 September 1969, implemented citizen initiative rights established in the charter. The  
9 ordinance set requirements for the form and procedures for submittal of initiative  
10 petitions. It established a sixty-day deadline for submittal of sufficient signatures after  
11 approval of a proposed initiative petition form by the clerk of the council. Ordinance  
12 13074, enacted in April 1998, extended that deadline to the current ninety-day period  
13 found in K.C.C. 1.16.030.

14 B. Proposed Ordinance 2008-0361 would submit to the voters for their approval  
15 or rejection at the November 2008 general election an amendment to the King County  
16 Charter establishing a process for citizen initiatives to amend the charter, which would

17 require only one election to approve a charter amendment and would also establish a  
18 higher signature threshold than is presently required for initiatives under the charter.

19 C. This ordinance would extend the period for gathering signatures for citizen  
20 initiatives to amend the charter to one hundred twenty days, an increase from the current  
21 ninety days. One hundred twenty days is commensurate with the time allowed in four of  
22 the other five Washington home rule counties.

23 SECTION 2. Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020 are  
24 each hereby amended to read as follows:

25 If any individual, or committee of individuals, desires to petition the council to  
26 enact a proposed measure or to order that a charter amendment by citizen initiative or a  
27 referendum of any ordinance passed by the council be submitted to the electorate, ~~((he))~~  
28 the petitioner shall file in the office of the clerk of the council five printed or typewritten  
29 copies of the ~~((measure proposed))~~ initiative or referendum petition, accompanied by the  
30 name and post office address of the proposer.

31 SECTION 3. Ordinance 159, Section 3, as amended, and K.C.C. 1.16.030 are  
32 each hereby amended to read as follows:

33 A. Initiative petitions containing the required signatures of registered voters of  
34 the county as provided in Section 230.50 of the King County Charter, must be filed  
35 within ninety days from the date of approval of such form by the clerk of the council. If  
36 petitioner fails to file such petition within the prescribed time limit, it shall have no  
37 validity and the petition ~~((will))~~ shall not be considered by the council as an initiative  
38 petition.



39 B. Referendum petitions containing the required signatures of registered voters of  
40 the county, as provided in Section 230.40 of the King County Charter, must be filed  
41 within forty-five days after the enactment of the ordinance to be referred to the voters. If  
42 the petitioner fails to file such petition within the prescribed time limit, it shall have no  
43 validity and ~~((with))~~ shall not be referred to the voters.

44 C. Initiative petitions proposing amendment of the King County Charter  
45 containing the required signatures of registered voters of the county as provided in  
46 Section 800.20 of the King County Charter must be filed within one hundred twenty days  
47 from the date of approval of the form by the clerk of the council. If petitioner fails to file  
48 such a petition within the prescribed time limit, the petition shall have no validity and the  
49 petition shall not be referred to the voters.

50 SECTION 4. This ordinance takes effect upon certification by the elections  
51 division manager of voter approval of the amendment to Section 800 of the King County  
52 Charter proposed by King County Ordinance --- (Proposed Ordinance 2008-0361.1).

53  
54 **EFFECT: Adds findings and eliminates from this ordinance all county code**  
55 **amendments except those affecting KCC sections 1.16.020 and 1.16.030.**



July 28, 2008

**T1**

ms/nw/bar

Sponsor: Constantine

Proposed No.: 2008-0407

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2008-0407, VERSION 1**

2 On page 1, beginning on line 1, strike everything through line 8 and insert:

3 "AN ORDINANCE implementing proposed new Section  
4 800.20 of the King County Charter as set forth in Proposed  
5 Ordinance 2008-0361; establishing deadlines and  
6 procedures for charter amendments by citizen initiative; and  
7 amending Ordinance 159, Section 2, as amended, and  
8 K.C.C. 1.16.020 and Ordinance 159, Section 3, as amended,  
9 and K.C.C. 1.16.030."

10 **EFFECT: Amends the title to reflect the striking amendment.**



## Comparison of Signature Thresholds in Home Rule Counties for Citizen Initiatives to Adopt CHARTER AMENDMENTS

County <sup>1</sup>	Percentage Threshold	Based on votes cast for	Total Signatures, if applied to King County <sup>2</sup>	Time to Gather (days)	Average Signatures Per Day, if applied to King County <sup>3</sup>
<b>King (current)</b>	10% <sup>4</sup>	County Executive	52,817	90 <sup>5</sup>	587
<b>King (proposed)</b>	20% <sup>6</sup>	County Executive	105,633	120 <sup>7</sup>	880
Pierce	20% <sup>8</sup>	County Executive	105,633	180	587
San Juan	15% <sup>9</sup>	Governor	131,425	120	1,095
Clallam	20% <sup>10</sup>	Governor	175,234	120	1,460
Snohomish	20% <sup>11</sup>	Governor	175,234	120	1,460
Whatcom	20% <sup>12</sup>	Governor	175,234	120	1,460

<sup>1</sup> These are the only home rule counties in Washington.

<sup>2</sup> This is the number of signatures that would be required if the indicated signature threshold percentage were applied to King County's election turnout data.

<sup>3</sup> This is the average number of signatures per day that would be required if each county's (1) signature threshold percentage and (2) time allowed for gathering signatures were applied to King County's election turnout data.

<sup>4</sup> Based on *Maleng v. King County Corrections Guild*, 150 Wn.2d 325 (2003); King County Charter § 230.50.

<sup>5</sup> King County Code § 1.16.030.

<sup>6</sup> Proposed Ordinance 2008-0361.

<sup>7</sup> Proposed Ordinance 2008-0407.

<sup>8</sup> Pierce County Charter § 8.65(4).

<sup>9</sup> San Juan County Charter § 8.33.

<sup>10</sup> Clallam County Charter § 11.20.30.

<sup>11</sup> Snohomish County Charter § 8.70.

<sup>12</sup> Whatcom County Charter § 8.22 ("twenty (20) percent of the number of votes cast in the county in the last gubernatorial election").