



## Legislation Details (With Text)

**File #:** 2008-0311      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 6/2/2008      **In control:** Committee of the Whole

**On agenda:**      **Final action:** 6/9/2008

**Enactment date:**      **Enactment #:** 16128

**Title:** AN ORDINANCE related to elections; rejecting Initiative 26 and adopting an alternative ordinance to amend the King County Charter to make the offices of King County executive, King County assessor and King County council nonpartisan, to establish the nonpartisan selection of districting committee members, and to allow candidates for the office of King County executive, King County assessor and King County council to state his or her preference for a political party, or not state a preference, to be submitted to the voters at the August 19, 2008, special election; calling a special election for Initiative 26 and this alternative ordinance; amending Section 610 of the King County Charter, Section 640 of the King County Charter, Section 650.20 of the King County Charter, Section 650.30.20 of the King County Charter and Section 680.10 of the King County Charter, repealing Section 620 of the King County Charter; and calling a special election for this ordinance.

**Sponsors:** Larry Phillips, Bob Ferguson, Larry Gossett, Julia Patterson, Dow Constantine

**Indexes:** Initiative and Referendum, Records and Elections

**Code sections:**

**Attachments:** 1. 16128.pdf, 2. 2008-0311 County Initiative 26 NonPartisan Elections Staff Report 06-09-08.doc

| Date     | Ver. | Action By                        | Action                         | Result |
|----------|------|----------------------------------|--------------------------------|--------|
| 6/9/2008 | 1    | Committee of the Whole           | Amended                        |        |
| 6/9/2008 | 2    | Committee of the Whole           | Recommended Do Pass Substitute | Pass   |
| 6/9/2008 | 2    | Metropolitan King County Council | Hearing Held                   |        |
| 6/9/2008 | 2    | Metropolitan King County Council | Passed as Amended              | Pass   |
| 6/2/2008 | 1    | Metropolitan King County Council | Introduced and Referred        |        |

Clerk 06/09/2008

AN ORDINANCE related to elections; rejecting Initiative 26 and adopting an alternative ordinance to amend the King County Charter to make the offices of King County executive, King County assessor and King County council nonpartisan, to establish the nonpartisan selection of districting committee members, and to allow candidates for the office of King County executive, King County assessor and King County council to state his or her preference for a political party, or not state a preference, to be submitted to the voters at the

August 19, 2008, special election; calling a special election for Initiative 26 and this alternative ordinance; amending Section 610 of the King County Charter, Section 640 of the King County Charter, Section 650.20 of the King County Charter, Section 650.30.20 of the King County Charter and Section 680.10 of the King County Charter, repealing Section 620 of the King County Charter; and calling a special election for this ordinance.

STATEMENT OF FACTS:

1. Section 230.50 of the King County Charter specifies a county initiative process whereby the public may propose a county ordinance by filing with the council the required number of signed petitions from registered county voters.
2. A county initiative proposing an amendment to the King County Charter to make the offices of King County executive, King County assessor, King County assessor and King County council nonpartisan and to establish the nonpartisan selection of districting committee members has been proposed ("Initiative 26").
3. On December 20, 2007, in accordance with K.C.C. 1.16.050, the King County prosecutor's office prepared a ballot title for the proposed Initiative 26 measure, which is, "This initiative would place the following proposed charter amendment on the November 2008 general election ballot: Shall the King County Charter be amended to make the offices of King County executive, King County assessor and King County council nonpartisan, and to establish the nonpartisan selection of districting committee members? Should this initiative be adopted?"
4. On January 2, 2008, in accordance with Section 230.50 of the King County Charter, the clerk of the council approved as to the form the proposed petitions for Initiative 26.
5. On April 1, 2008, there were four thousand six hundred petitions filed for Initiative 26 by the initiative's sponsor with the clerk of the council.

6. On May 14, 2008, the King County elections division director certified that the number of valid signatures is sufficient for the initiative to be deemed proposed.
7. Section 230.50 of the King County Charter authorizes the county council to adopt an alternative ordinance to an initiative proposed ordinance and submit the alternative ordinance for voter approval or rejection on the same ballot as the initiative proposed ordinance.
8. On the August 19, 2008 ballot, voters would first be given the choice of either rejecting both Initiative 26 and this alternative proposed ordinance; or accepting either Initiative 26 or this alternative proposed ordinance.
9. If a majority votes to accept either Initiative 26 or this alternative proposed ordinance, the underlying charter amendment from the proposed ordinance receiving the most votes would be placed on the November 4, 2008 ballot.
10. On May 2, 2008, the state of Washington secretary of state issued a rule-making order, WAC 434-215-120, for immediate adoption for the purpose of implementing state Initiative 872 for the 2008 primary and general elections. Under this rule, candidates for partisan office may state their preferred party identification on the declaration of candidacy and if a preferred party identification is stated, it will appear on the ballot. A candidate may also choose to not state a preference for a political party. A candidate's preference may not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate.
11. The King County council finds that for elections to the offices of King County executive, King County assessor and King County council, the citizens of King County are better served by having information provided to them on the ballot on a candidate's preferred political party preference so long as the candidate's preference, if any, does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that

candidate.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Initiative 26 is hereby rejected.

SECTION 2. This alternative ordinance to make the offices of King County executive, King County assessor and King County council nonpartisan, to establish the nonpartisan selection of districting committee members, and to allow candidates for the offices of King County executive, King County assessor and King County council to state their preference for a political party, or not state a preference is hereby adopted.

SECTION 3. This alternative ordinance shall be submitted along with Initiative 26 to the qualified voters of King County for their approval and ratification or rejection, at a special election held on August 19, 2008. If this alternative ordinance is approved, there shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the November 2008 general election, an amendment to the King County Charter by amending Section 610, Section 640, Section 650.20, Section 650.30.20 and Section 680.10 and repealing Section 620, to read as follows:

**Section 610. Election Procedures.** ~~((Except as provided in the Article, t))~~The nominating primaries and elections for the offices of King County executive, King County assessor and King County council shall be conducted in accordance with general law governing the election of ~~((partisan))~~ nonpartisan county officers. Candidates for the offices of King County executive, King County assessor, King County sheriff and King County council may state their political party preference or no party preference on the declaration of candidacy form and have that preference, if any, appear on the ballot.

**Section 640. County Executive and Assessor.** The county executive and county assessor shall be nominated and elected as nonpartisan offices by the voters of the county. The nomination and election of the county executive and county assessor shall be held every four years as a county general election at the same time as the general election for cities in the county commencing with the election of 1971 for the county assessor and with the election of 1973 for the county executive.

**Section 650.20. Nomination and Election.** County councilmembers shall be nominated and elected as nonpartisan offices by the voters of each councilmember's respective district. The nomination and election of (~~councilmen~~) councilmembers shall be held every four years as a county general election at the same time as the general election for cities in the county commencing in even-numbered districts with the election of 1971 and in odd-numbered districts with the election of 1973.

**Section 650.30.20. Districting Committee.** During the month of January, 2001, and by January 31(~~st~~) of each tenth year thereafter, a five-member districting committee shall be appointed. The county council shall appoint four persons to the committee, (~~two from each of the two major political parties,~~) the four to appoint the fifth who shall be the chairperson. The districting committee shall no later than April 1 following their appointment meet and appoint a districting master who shall be qualified by education, training and experience to draw a districting plan. If the districting committee is unable to agree upon the appointment of a districting master by April 1, the county council shall appoint a districting master by May 31(~~st~~) of the year.

**Section 680.10. Designation, Appointment and Election to Fill Vacancy.** Immediately upon commencing their terms of office, the county executive, assessor and sheriff shall each designate one or more employees who serve as a deputy or assistant in such office to serve as an interim official in the event of a vacancy in the elective office of the county executive, assessor(~~(s)~~) or sheriff, respectively.

Except for a designation made by the metropolitan county council, a designation of an interim official shall only be effective if the county executive, assessor and sheriff, each for his or her elective office, complies with the following procedure; commits the designation to writing; identifies the order of precedence if more than one county officer or employee is designated; signs the written designation; has the written designation notarized; files the written designation with the county office responsible for records (~~and elections~~); and(~~(s)~~) provides a copy of the written designation to the chair of the metropolitan county council. The county executive, assessor and sheriff may, at any time, amend such designation by complying with the same procedure established for making the designation.

In the event the county executive, assessor((;)) or sheriff neglects or fails to make such a designation within seven calendar days of commencing his or her term of office, the metropolitan county council may by ordinance designate one or more employees who serve as a deputy or assistant in such office to serve as an interim official in the event of a vacancy in the elective office of the county executive, assessor((;)) or sheriff, respectively. A designation made by the metropolitan county council shall be effective upon adoption of the ordinance therefor and may be amended by ordinance; provided that a designation by the county executive, assessor((;)) or sheriff which occurs subsequent to the adoption of an ordinance shall take precedence over the designation by ordinance.

The designated county officer or employee shall immediately upon the occurrence of a vacancy serve as the interim official and shall exercise all the powers and duties of the office granted by this charter and general law until an acting official is appointed as provided in this section.

The metropolitan county council shall, after being appraised of a vacancy in the elective office of county executive, assessor or sheriff, fill the vacancy by the appointment of an employee who served as a deputy or assistant in such office at the time vacancy occurred as an acting official to perform all necessary duties to continue normal office operations. The acting official shall serve until the vacancy is filled by appointment (~~((pursuant to Article II, section 15, of the Washington State Constitution for partisan county elective offices or))~~) pursuant to general law for nonpartisan county elective offices(~~(, as applicable)~~).

A vacancy in an elective county office shall be filled at the next primary and general elections which occur in the county; provided that an election to fill the vacancy shall not be held if the successor to the vacated office will be elected at the next general electio as provided in Sections 640 and 645 of this charter. The term of office of an officer who has been elected to fill a vacancy shall only be for the unexpired portion of the term of the officer whose office has become vacant and shall commence as soon as he or she is elected and qualified.

A majority of the county council may temporarily fill a vacancy by appointment until the vacancy has been filled by election or the successor to the office has been elected and qualified.

**Section 620 repealed.** Section 620, "Independent Candidates," of the King County Charter is hereby repealed.

SECTION 4. If this ordinance is enacted, the ballot title for the proposed charter amendment shall be in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney: "Shall the King County Charter be amended to make the offices of King County executive, King County assessor and King County council nonpartisan, to establish the nonpartisan selection of districting committee members, and to allow candidates for these county offices the option of having their political party preference appear on the ballot? Should this charter amendment be adopted?"

SECTION 5. A. If this ordinance is approved by a majority of the voters voting on the issue, it shall become enacted when the results of the election are certified.

B. If this ordinance is enacted, the question of amendment of the King County

Charter shall be submitted to the qualified voters of King County for their approval and ratification or rejection at the November 2008 general election.