



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 8/27/2018 **In control:** Government Accountability and Oversight Committee

On agenda: **Final action:** 10/1/2018

Enactment date: **Enactment #:** 18804

Title: AN ORDINANCE relating to initiative and referendum petitions; amending Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020, Ordinance 159, Section 7, as amended, and K.C.C. 1.16.070, Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080, Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040, Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050, Ordinance 159, Section 3, as amended, and K.C.C. 1.16.030 and Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100, adding new sections to K.C.C. chapter 1.16, recodifying K.C.C. 1.16.070, K.C.C. 1.16.080, K.C.C. 1.16.030 and K.C.C. 1.16.090 and repealing Ordinance 159, Section 1, as amended, and K.C.C. 1.16.010, Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060, Ordinance 8024, Section 1, and K.C.C. 1.18.010, Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020, Ordinance 8024, Section 3, and K.C.C. 1.18.030, Ordinance 8024, Section 4, and K.C.C. 1.18.040, Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050, Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060 and Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070.

Sponsors: Claudia Balducci

Indexes: Initiative and Referendum

Code sections: 1.16.010 -, 1.16.020 -, 1.16.030 -, 1.16.040 -, 1.16.050 -, 1.16.060 -, 1.16.070 -, 1.16.070 - *, 1.16.080 -, 1.16.080 - *, 1.16.090 -, 1.16.100 -, 1.18.010 - *, 1.18.020 -, 1.18.030 -, 1.18.040 -, 1.18.050 -, 1.18.060 -, 1.18.070 -

Attachments: 1. Ordinance 18804.pdf, 2. 2018-0409_SR_dated_09112018_Referendum_and_Initiative_Measure_Petition_Process_FINAL.docx, 3. 2018-0409 amendments.pdf

Date	Ver.	Action By	Action	Result
10/1/2018	1	Metropolitan King County Council	Hearing Held	
10/1/2018	1	Metropolitan King County Council	Passed as Amended	Pass
9/24/2018	1	Metropolitan King County Council	Hearing Held	
9/24/2018	1	Metropolitan King County Council	Deferred	
9/11/2018	1	Government Accountability and Oversight Committee	Passed Out of Committee Without a Recommendation	Pass
8/27/2018	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to initiative and referendum petitions; amending Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020, Ordinance 159, Section 7, as amended, and K.C.C. 1.16.070, Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080, Ordinance 159, Section 4, as amended, and

K.C.C. 1.16.040, Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050, Ordinance 159, Section 3, as amended, and K.C.C. 1.16.030 and Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100, adding new sections to K.C.C. chapter 1.16, recodifying K.C.C. 1.16.070, K.C.C. 1.16.080, K.C.C. 1.16.030 and K.C.C. 1.16.090 and repealing Ordinance 159, Section 1, as amended, and K.C.C. 1.16.010, Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060, Ordinance 8024, Section 1, and K.C.C. 1.18.010, Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020, Ordinance 8024, Section 3, and K.C.C. 1.18.030, Ordinance 8024, Section 4, and K.C.C. 1.18.040, Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050, Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060 and Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070.

PREAMBLE:

The right of the public to petition the King County council is enshrined in Sections 230.40 and 230.50 of the King County Charter. The King County council values and welcomes the direct input of residents in shaping the laws of King County. It is the intent of the King County council to outline the steps for processing a petition for an initiative or referendum submitted to the clerk of the council in order to make the process clear for the public. This includes describing the steps in sequential order and providing the number of days allotted for each step in the process to be completed. It is also the intent of the King County council to clarify the roles of the clerk of the council, prosecuting attorney's office and the department of elections in processing a petition for an initiative or referendum submitted to clerk of the council. In order to achieve the King County council's intent, this ordinance reorganizes and amends the language of a number of sections in K.C.C. chapter 1.16 and repeals K.C.C. chapter 1.18.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The following are each hereby repealed:

- A. Ordinance 159, Section 1, as amended, and K.C.C. 1.16.010;
- B. Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060;
- C. Ordinance 8024, Section 1, and K.C.C. 1.18.010;
- D. Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020;
- E. Ordinance 8024, Section 3, and K.C.C. 1.18.030;
- F. Ordinance 8024, Section 4, and K.C.C. 1.18.040;
- G. Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050;
- H. Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060; and
- I. Ordinance 80124, Section 7, as amended, and K.C.C. 1.18.070.

NEW SECTION. SECTION 2. There is hereby added K.C.C. chapter 1.16 a new section to read as follows:

For the purposes of this chapter, unless the context clearly requires otherwise, "alteration" means any change to the ballot title or text of the measure on a referendum or initiative petition that occurs between the time the form and language of the petition are approved by the clerk of the council and the time when signed petitions are returned to the clerk. Stray marks, scribbles, notes or highlighting shall not be an "alteration" as long as the ballot title and text of the measure are legible.

SECTION 3. Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020 are each hereby amended to read as follows:

A. If any individual or committee of individuals desires to petition the council to enact a proposed measure or to order that a referendum of any ordinance passed by the council be submitted to the electorate, the individual or committee of individuals shall file in the office of the clerk of the council ~~((five))~~ a printed or typewritten ~~((copies))~~ copy of the ~~((measure))~~ proposed ~~((or referendum))~~ petition in the form provided in this chapter, accompanied by the name, phone number, email address and post office address of the ~~((proposer))~~

individual or committee of individuals proposing the measure.

B. Petitions shall be printed on single sheets of white paper of good quality, eight and one-half inches in width and fourteen inches in length, with a margin of one and three-quarters inches at the top for binding.

The front side of the petition shall have a minimum font size of eight point font. Each petition shall contain:

1. Numbered lines for not more than twenty signatures on each sheet;

2. The prescribed ballot title or sufficient room for the ballot title to be inserted if the ballot title has not yet been prepared by the prosecuting attorney;

3. The form of the petition on each sheet; and

4. A full, true and correct copy of the measure being proposed or referred printed on the reverse side of the petition or on sheets of paper of like size and quality as the petition, and a web address if one exists to the measure being proposed or referred in twelve point font at the top of the reverse side of the petition, firmly fastened to the petition.

SECTION 4. K.C.C. 1.16.070, as amended by this ordinance, is recodified as a new section in K.C.C. chapter 1.16 to follow K.C.C. 1.16.020.

SECTION 5. Ordinance 159, Section 7, as amended, and K.C.C. 1.16.070 are each hereby amended to read as follows:

Petitions ordering that ordinances passed by the council be referred to the people at the special or general election, as provided in Article 2, Section 230.40 of the King County Charter, shall be substantially in the following form:

"WARNING

Every person who signs this petition with any other than the person's true name, or who knowingly signs more than one of these petitions, or who signs this petition when the person is not a legal voter, or who makes herein any false statement, shall be punished as provided by law.

PETITION FOR REFERENDUM

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

(ballot title prepared by the prosecuting attorney under K.C.C. 1.16.050)

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

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

SECTION 6. K.C.C. 1.16.080, as amended by this ordinance, is recodified as a new section in K.C.C. chapter 1.16 to follow K.C.C. 1.16.070, as recodified in this ordinance.

SECTION 7. Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080 are each hereby amended to read as follows:

Petitions for proposing measures for submission to the King County council shall be substantially in the following form:

"WARNING

Every person who signs this petition with any other than the person's true name, or who knowingly signs more than one of these petitions, or who signs this petition when the person is not a legal voter, or who

makes herein any false statement, shall be punished as provided by law.

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

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

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

(ballot title prepared by the prosecuting attorney under K.C.C. 1.16.050)

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

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

SECTION 8. Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040 are each hereby amended to read as follows:

Once a proposed petition is submitted to ((F))the clerk of the council, the clerk shall, within five days, verify that it complies with K.C.C. 1.16.070, as recodified by this ordinance, or K.C.C. 1.16.080, as recodified

by this ordinance, and notify the submitting individual or committee of individuals that the proposed petition has been accepted, or rejected because it does not comply with this chapter. If the clerk rejects a proposed petition, the clerk will specify the reasons for rejection. If the proposed petition is accepted by the clerk of the council, the clerk shall assign a serial number to ((each)) the initiative measure or referendum petition, using a separate series for each, and ((forthwith)) transmit within five days one copy of the measure proposed, bearing its serial number, to the department of elections and the office of the prosecuting attorney. Thereafter ((a)) the measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No . . ." or "Referendum Measure No . . .".

SECTION 9. Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050 are each hereby amended to read as follows:

Within five days after ~~((the filing of))~~ receiving the transmittal from the clerk of the council for an initiative measure or referendum petition ((with the clerk of the council)) under K.C.C. 1.16.040, the prosecuting attorney shall prepare a ballot title and transmit it to the clerk of the council, the department of elections ((bearing the serial number of)) and the individual or committee of individuals proposing the measure. The ballot title shall be a concise statement in the form of a question containing the essential features of the measure and ((not exceeding twenty words and may be drafted in common language for greater clarity)) shall be in substantially the form required by RCW 29A.36.071 and 29A.72.050. The ballot title shall be phrased in language so that a yes vote will clearly be a vote in favor of the action or condition that would result from the approval of the measure, and a no vote will clearly be a vote in opposition to such action or condition. In the case of a referendum to ratify or revoke some prior action, the ballot title may refer directly to the prior action rather than to the ratification or revocation of ((said)) the action. The ballot title prepared by the prosecuting attorney shall be included in the referendum or initiative petition as provided for in K.C.C. 1.16.070, as recodified by this ordinance, and K.C.C. 1.16.080, as recodified by this ordinance, and shall be the title of the measure in all proceedings in relation to it.

SECTION 10. K.C.C. 1.16.030, as amended by this ordinance, is recodified as a new section in K.C.C. chapter 1.16 to follow K.C.C. 1.16.060.

SECTION 11. Ordinance 159, Section 3, as amended, and K.C.C. 1.16.030 are each hereby amended to read as follows:

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

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

B. Initiative petitions containing the required signatures of registered voters of the county as provided in Section 230.50 of the King County Charter, must be filed with the clerk of the council within ninety days from the date of approval of the form by the clerk of the council. If petitioner fails to file the petition within the prescribed time, the petition shall have no validity and the petition shall not be considered by the council as an initiative petition.

SECTION 12. Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100 are each hereby amended to read as follows:

~~((When petitions for))~~ A. Signed initiative or referendum ((action are)) petitions shall be filed with the clerk of the council, who shall review the petition pages for alterations. Petition pages with alterations shall be rejected. The clerk shall notify the individual or committee of individuals proposing the measure of the number of pages rejected and shall make those pages available for review or copying.

B. Within five days of the date the petitions were submitted, the clerk shall complete review and transmit accepted petitions to the department of elections with an accounting of the number of pages transmitted and the number of pages rejected due to alterations.

C. Within five days of receipt of the petition pages from the clerk of the council, the department of elections shall set a terminal date on which it shall proceed to verify and count the names of the legal voters on the initiative or referendum petition as required in subsection D. of this section. The department shall notify the clerk of the council and the individual or committee of individuals proposing the measure of the terminal date. Signatures may be withdrawn before the terminal date. Additional petition pages may be filed with the clerk of the council before the terminal date or the deadline in K.C.C. 1.16.030, as recodified by this ordinance, whichever is earlier. The clerk shall review and transmit the additional petition pages in accordance with subsections A. and B. of this section, except that the clerk may wait until the terminal date to begin review of the additional pages.

D. On the terminal date, the department of elections shall proceed to (~~canvass~~) verify and count the names of the legal voters on the initiative or referendum using the random sampling statistical procedure authorized by WAC 434-379-010. However, a petition shall not be rejected on the basis of any statistical method employed. If the department finds the same name signed to more than one petition, it shall count only the first valid signature and shall reject all subsequent instances of the signature of the same person on the petition.

E. After the petitions are (~~processed~~) verified, the department shall transmit a (~~certified copy of the facts relating to the filing of the petition and the canvass to the council~~) notice of sufficiency or insufficiency to the clerk of the council and the individual or committee of individuals proposing the measure.

SECTION 13. K.C.C. 1.16.090 is recodified as a new section in K.C.C. chapter 1.16 to follow K.C.C. 1.16.100.

SECTION 14. This ordinance takes effect January 1, 2019.