



## Legislation Text

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Clerk 08/27/2007

AN ORDINANCE related to elections; rejecting Initiative 25 and adopting a substitute ordinance related to an elected director of elections with both measures to be submitted to the voters at the November 6, 2007, general election.

### 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 county council petitions bearing signatures of registered county voters equal in number to not less than ten percent of the votes cast in the county for the office of county executive at the last preceding election for county executive.
2. On March 21, 2007, as provided for in K.C.C. 1.18.030, the clerk of the council approved as to form an initiative petition, identified as Initiative 25, proposing an amendment to the King County Charter to create the nonpartisan elective office of county director of elections.
3. On June 19, 2007, the sponsor of Initiative 25 filed five thousand nine hundred eighty-five petitions with the clerk of the council.
4. The clerk of the council reviewed all of the Initiative 25 petitions and, on July 9, 2007, forwarded all unaltered petitions to the King County records, elections and licensing services division director to canvass and count the names of the legal voters thereon.
5. On August 22, 2007, the King County records, elections and licensing services division certified that a minimum of fifty-two thousand eight hundred seventeen signatures of registered

voters were required for Initiative 25 to qualify as a proposed ordinance, and that names and petition signatures of legal voters in that amount had been canvassed and counted.

6. Section 230.50 of the King County Charter allows the King County council to offer to the voters an alternative to a proposed county initiative. Under that section, the council may reject the proposed initiative ordinance and adopt a substitute ordinance concerning the same subject matter with both measures to be submitted to the voters on the same ballot. The voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. In order to offer the voters an alternative to Initiative 25, Section 230.50 of the King County Charter requires that the King County council reject the proposed county initiative before adopting a substitute ordinance. Therefore, the proposed Initiative 25 ordinance is hereby rejected.

SECTION 2. A substitute ordinance is hereby adopted and shall be submitted along with the proposed Initiative 25 ordinance to the qualified voters of King County for their approval or rejection, at a special election held at the general election on November 6, 2007.

SECTION 3. If a majority of qualified voters of King County at the November 6, 2007 general election vote: (a) to accept either this ordinance or the proposed Initiative 25 ordinance, and (b) to accept this ordinance and reject the proposed Initiative 25 ordinance, then 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 350.20 of the King County Charter, adding a new Section 350.20.50 to the King County Charter, adding a new Section 647 to the King County Charter, amending Section 630 of the King County Charter and amending Section 680.10 of the King County Charter and to read as follows:

**Section 350.20. Executive Departments.**

The executive departments shall consist of the department of assessments, the department of judicial administration, the department of elections and those agencies of the executive branch which are primarily engaged in the execution and enforcement of ordinances and statutes concerning the public peace, health and safety and which furnish or provide governmental services directly to or for the residents of the county.

**Section 350.20.50. Department of Elections.**

The department of elections shall be administered by the county director of elections who shall perform the duties specified by general law. The county director of elections shall be elected by the voters of King County, and his or her term of office shall be four years. The department of elections: shall be an executive department subject to the career service personnel system and shall utilize the services of the administrative offices and the executive departments, but it shall not be abolished or combined with any other executive department or administrative office and shall not have its duties decreased by the county council or executive. The department of elections shall be responsible for the registration of voters in the county; shall conduct all special and general elections held in the county; shall be responsible for creating and printing the King County voter's pamphlet; shall maintain and be the official repository of political boundary maps, geographic information systems data and of the King County copies of campaign financial disclosure forms; and shall administer other public and nonpublic elections, as required by state law and county code and administrative rules.

**Section 630. Qualifications.**

Each county officer holding an elective office shall be, at the time of his or her appointment or election and at all times while he or she holds office, at least twenty-one years of age, a citizen of the United States and a resident and registered voter of King County; and each councilmember shall be a resident of the district which he or she represents. Any change in the boundaries of a councilmember's district which shall cause him or her to be no longer a resident of the district which he or she represents shall not disqualify him or her from holding office during the remainder of the term for which he or she was elected or appointed. Additional qualifications

of the office of sheriff and the office of county director of elections may be established by ordinance.

**Section 647. County Director of Elections, Term of Office and Compensation.**

The county director of elections shall be elected as a nonpartisan office by the voters of the county. The term of office of the initial county director of elections shall end on December 31, 2011. Subsequent elections for the county director of elections shall occur at the general election in 2011 and every four years thereafter. The county director of elections shall receive compensation as provided by ordinance.

**Section 680.10 Designation, Appointment and Election to Fill Vacancy.**

Immediately upon commencing their terms of office, the county executive, county assessor, county director of elections and county 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 county executive, county assessor, county director of elections or county 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, county assessor, county director of elections and county 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(,) provides a copy of the written designation to the chair of the metropolitan county council. The county executive, county assessor, county director of elections and county 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, county assessor, county director of elections or county 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, county assessor, county director of elections or county 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, county assessor, county director of elections or county 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, county assessor, county director of elections or county sheriff, fill the vacancy by appointment of an employee who served as a deputy or assistant in such office at the time the 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 the elective office shall be filled at the next primary and general election 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 election as provided in Sections 640 and 645. 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 4.** The clerk of the council shall certify the proposition to the manager of the records,

elections and licensing services division, in substantially the following form, with such additions, deletions or modifications as may be required for the proposition by the prosecuting attorney:

Shall the King County Charter be amended to provide that the position of county director of elections be created as a nonpartisan elected office?

SECTION 5. Following approval by the voters at the November 2008 general election of the amendment to Articles 3 and 6 of the King County Charter as provided in this ordinance, the initial primary election for county director of elections shall be held in 2009 on the date established by state law for nominating primaries for general elections to be held in November, and the election for county director of elections shall occur at the November 2009 general election. The amendment to Section 630 of the King County Charter takes effect upon certification of the results of the November 2008 general election. All other amendments to Articles 3 and 6 of the King County Charter take effect upon certification of the results of the general election of the initial county director of elections.