Initiative and Referendum Guide

for Washington Cities and Charter Counties

MRSC

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Revision History

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- **Appendix A – Added Black Diamond, La Center, Lakewood, Sammamish, and Spokane Valley to the list of code cities that have adopted powers of referendum and initiative, and removed Raymond.**

February 2018

- **Appendix A – Removed Shelton as commission city, and as a code city that has adopted powers of initiative and referendum; added Clark County to list of charter counties.**

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MRSC
2601 Fourth Avenue, Suite 800
Seattle, WA 98121-1280
(206) 625-1300
(800) 933-6772

www.MRSC.org

Preface

There is increasing interest in the power of the people at both the state and local level to directly exercise authority to enact and repeal laws. This authority is exercised through the powers of initiative and referendum. This publication provides an overview of these powers as they may be exercised at the local level - in the cities and charter counties of the state of Washington.

Most cities and counties in Washington do not have these powers available at this time. Of the 281 incorporated cities in the state, less than 50 have adopted the powers of initiative and referendum. Of the 39 counties in the state, only the seven counties that have adopted local charters have available the powers of initiative and referendum. These statistics may, however, be somewhat misleading. The more populated cities and counties have adopted these powers either in their charters or by city council action, so the powers are available to the many Washington citizens at the local level who live in these larger jurisdictions.

This publication provides an overview of the powers of initiative and referendum in local government. It reviews which cities and counties have the powers available and, when legally permitted, how the powers may be adopted in cities and counties that have not already done so. It also reviews in some detail which types of actions are subject to the initiative and referendum process, since there are limitations on the exercise of the power even when it is available.

We hope this publication will be helpful to officials in cities and counties that already have the powers of initiative and referendum, as well as to officials in cities and counties that are considering adopting the powers.

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Initiative and Referendum Powers

Basically, the power of initiative as applied to municipalities refers to the authority of the voters of a city or charter county to directly initiate and enact legislation (hereafter the term "municipality" will include cities, towns, and counties). The process involves an initial petition containing a specified number of signatures that proposes an ordinance for adoption. If the proper form and the number of signatures is sufficient, the issue must either be adopted by the city or charter county council or submitted to the entire electorate of the city or charter county for adoption or rejection at an election.

The power of referendum in a municipality is the right of the people to have an ordinance that has been enacted by the city or charter county council submitted to the voters for their approval or rejection. The process also includes the filing of a petition, with a required minimum number of registered voters, prior to the effective date of the ordinance. If the required number of signatures in the proper form are obtained on the petition, the ordinance is suspended from becoming effective until it has either been repealed by the city or charter county council or is submitted to the voters for approval or rejection at an election.

Briefly, the power of initiative is used to propose new legislation and the power of referendum is used to review previously adopted legislation. These powers exist at the state level also, but this publication deals exclusively with the powers as applied to government at the local level, specifically to cities and charter counties.

Arguments for and against

The use of initiative is direct democracy at its most fundamental level. It is favored by those who value widespread voter participation both in choosing candidates and in drafting and deciding upon legislation. It is an attempt to enlarge the role of the electorate while at the same time diminishing the power of the elected representatives, in this case the city or charter county councilmembers.

The classic arguments for initiative powers have changed little since the initiative and referendum process was introduced in its present form in this country in the early twentieth century. Proponents argued that the initiative process would neutralize special interest groups, curtail corruption, provide a vehicle for civic education, and put pressure on public officials to act in the public interest. Supporters claimed that the initiative process was the culmination of the steady advance of the broadened franchise and direct democracy in this century.

Those opposed to the use of initiative power are basically supporters of representative democracy. They stress the need for knowledge and deliberation in the drafting of legislation and the daily business of governing. While those favoring this position are often accused of being undemocratic and lacking faith in the people, they assert that the most important democratic act is the selection of representatives.

Critics of the initiative process argue that it is a dangerous device that undercuts representative government by taking lawmaking out of the hands of the legislators elected to do the job. Complex issues are reduced to fast "yes" or "no" decisions by voters who may be swayed by misleading television or other commercials paid for by special interest groups. Initiatives may be crudely drafted and no allowance made for the usual give and take of the legislative process, which often results in the kind of compromises that make laws more workable.

Both sides agree that most of the business of governing cannot be decided directly by the people but must be decided by elected representatives. Therefore, the power of initiative is always recognized as a supplement to the normal legislative process.

The same basic philosophical arguments apply to the power of referendum as apply to the initiative power.

Municipalities that have the powers of initiative and referendum available

The powers of initiative and referendum are not available to all classes of municipalities. These powers are not automatically included in the powers granted to cities, towns, or counties. The authority for use of these powers is found either in the state constitution or in enabling legislation adopted by the state legislature, or both.

In Washington, the only cities that have been granted the powers of initiative and referendum are the first class cities, code cities that have formally adopted these powers, and cities with the commission form of government.

The only counties that may exercise these powers are counties that have formally adopted them by charter. Of the 39 counties in Washington, 33 retain the commission structure as outlined in Title 36 RCW; six counties have established themselves as charter counties by drafting a charter and submitting it to a vote of the people. Counties that have not taken steps to become charter counties are hereafter referred to as "commission counties."

First class cities

The state constitution specifically grants the authority to adopt a charter to first class cities, and RCW 35.22.200 specifically provides that a first class city charter may provide for direct legislation by the people through the initiative and referendum process. All of the ten first class cities in Washington have adopted the powers of initiative and referendum, and the procedures for exercising these powers are set out in the city charter of each city. (A brief review of the procedures exercised in each city is contained in Appendix M.)

Second class cities and towns

Second class cities and towns do not have the authority to establish initiative and referendum powers; consequently, voters in these two classes of municipalities may not exercise either power. In second class cities and towns, the council may submit an issue to the voters on an advisory ballot basis. This means that the voters may vote on an issue or an ordinance, but the results of the vote are not legally binding. While a city or town council may consider the vote of the people in an advisory ballot in deciding whether to enact or repeal an ordinance, the council is not bound to follow the majority vote.

Commission cities

A city that has the commission form of government automatically has the powers of initiative and referendum. These powers are set out in the enabling authority for commission cities in RCW 35.17.220 - 35.17.360.

Code cities

While initiative and referendum powers are available to code cities, they are not automatic powers either at the time of incorporation or reclassification as a code city. Code cities must formally adopt these powers. The procedures for adoption are outlined on pages 11-12 of this publication. As of February 2014, approximately 46

code cities in Washington have formally adopted these powers. (See Appendix A for a list of these code cities.) Citizens in other code cities do not have these powers available. All code cities have authority to submit issues to the public on an advisory basis, but the results of an advisory election are not binding on the city council.

Commission counties

Commission counties are granted their authority under the state constitution and Title 36 RCW. If a county does not go through the charter process, then it remains a commission form of government. Counties with the commission form of government do not have the powers of initiative and referendum available to them.

Charter counties

The state constitution grants counties the option of adopting a charter for their own form of government, and that charter may provide for direct legislation by the people through the initiative and referendum process. Seven counties have adopted a charter: Clallam, Clark, King, Pierce, San Juan, Snohomish, and Whatcom. Each has adopted the powers of initiative and referendum. Procedures for the exercise of these powers are set out in the charter of each county. (A brief review of the procedures as exercised in each charter county is contained in Appendix N.)

Types of legislation subject to the initiative and referendum process

Even if the citizens of a city or county have the powers of initiative and referendum available to them, this does not mean that every type of legislation is subject to these powers. There are a number of statutory limitations on these powers, at least in code cities, and additional limitations have been imposed by the courts. First class city and charter county charters also contain restrictions, and these can differ from city to city and county to county (the specific charter for each jurisdiction must be checked). This section will review the various limitations on the types of legislation which are subject to the initiative and referendum powers.

Only ordinances may be enacted by initiative or repealed by referendum. The powers of initiative and referendum are not applicable to any other type of legislative enactment by a city or county council, such as a motion, order, or resolution.

Statutory limitations placed on a code city

The statutes granting the power of referendum to code cities contain a list of the types of ordinances that are not subject to that power. This means that the 30-day waiting period for ordinances to go into effect, which applies in code cities that have adopted the powers of initiative and referendum, does not apply to these ordinances, since they are not subject to referendum. The list of exempt ordinances contained in RCW 35A.11.090 is as follows:

1. Ordinances initiated by petition;
2. Emergency ordinances necessary for the immediate preservation of public peace, health and safety or for the support of the city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
3. Ordinances providing for local improvement districts;
4. Ordinances appropriating money;
5. Ordinances providing for or approving collective bargaining;
6. Ordinances providing for the compensation of or working conditions of city employees;
7. Ordinances authorizing or repealing the levy of taxes.

These types of ordinances take effect as provided in general law - five days after publication, unless a later date is specified in the ordinance.

Statutory limitations placed on a commission city

The statutes that grant the power of referendum to commission cities also contain a limitation on the exercise of that power. RCW 35.17.240 indicates that most ordinances adopted in a commission city do not take effect for 30 days after adoption to allow the citizens an opportunity to file

a referendum petition. However, under RCW 35.17.230, the following types of ordinances are not subject to the 30-day waiting period or the referendum process:

1. Ordinances initiated by initiative;

2. Ordinances necessary for the immediate preservation of public peace, health and safety which contain a statement of urgency and are passed by unanimous vote of all the commissioners;

3. Ordinances providing for local improvement districts.

Other limitations

In addition to the above statutory limitations, the courts in Washington have recognized other limitations on the use of the powers of initiative and referendum. Basically, the courts have recognized two tests to determine if an ordinance is beyond the scope of direct legislation by the people either through the exercise of the initiative power or the referendum power.

The first test is whether the underlying action is legislative or administrative in nature. If the action is administrative, then it is not subject to the power of initiative or referendum. If it is legislative, then it may be subject to initiative and referendum, depending upon the outcome of the second test.

The second test is whether the power is one that has been granted by the legislature to the legislative authority of a city or county or whether it is a power that has been granted to the corporate entity as a whole. If it is a power that has been granted to the legislative authority (city or county council), then it is not subject to the powers of initiative and referendum. If it is a power that has been granted to the city as a corporate entity, then it may be subject to initiative and referendum.

Both of these powers will be explained in more detail, but it is important to note that the action must pass both tests to be subject to initiative or referendum. If the action is administrative in nature or if the subject of the proposed legislation is a power that has been granted by the state legislature to the city or county council, it is ***not*** subject to the power of initiative and referendum. Citizens may exercise these powers only if the action is legislative in nature and the subject of the legislation is not one that has been granted to the city or county council.

Administrative/legislative distinction

The courts in this state have noted that the power of direct legislation by citizens is not an inherent power of the people. The right did not exist until granted by the state constitution in 1912. There is an inherent limitation on this right in that it only extends to matters legislative in character, as compared to administrative matters. Therefore, the scope of the powers of initiative or referendum is restricted to ordinances adopting legislative policy and is not extended to ordinances effecting administrative actions.

This, of course, raises the question of what is an administrative action and what is a legislative action. The courts have applied two tests in making this determination. First, actions relating to subjects of a permanent and general character are usually regarded as legislative matters, and actions taken on subjects of a temporary and special character are usually regarded as administrative matters. Second, the power

to be exercised is legislative in nature if it prescribes a new policy or plan, whereas it is administrative in its nature if it merely pursues a plan already adopted by the legislative body or some power superior to it.

Even with these tests as guides, it may not always be clear whether a matter is legislative, and subject to initiative and referendum, or administrative. One way to help understand this test is to review some court cases in which the courts have characterized various actions as being either legislative or administrative in nature. The following cases provide some guidance:

1. The decision to fluoridate the city water supply is administrative in nature. *City of Port Angeles v. Our Water-Our Choice!*, 170 Wn.2d 1 (2010).

2. An ordinance amending a comprehensive street name ordinance is administrative in nature since it is enacted pursuant to a plan already adopted by the legislative body. *Heider v. Seattle*, 100 Wn.2d 874 (1984).

3. The enactment of a business and occupation tax is legislative in nature. *Citizens for Financially Responsible Government v. Spokane*, 99 Wn.2d 339 (1983).

4. Implementation of a punch card ballot system is legislative in nature. *Ballasiotes v. Gardner*, 97 Wn.2d 191 (1982).

5. The setting of rates is a legislative act. *Earle M. Jorgensen Co. v. Seattle*, 99 Wn.2d 861 (1983), and *Scott Paper Company v. Anacortes*, 90 Wn.2d 19 (1978).

6. A site specific rezone amendment is administrative in nature since it implements the zoning code or comprehensive plan already enacted. *Leonard v. Bothell*, 87 Wn.2d 847 (1976)

7. The selection of a contractor and the numerous other conditions incident to a building contract are administrative in nature. *Ruano v. Spellman*, 81 Wn.2d 820 (1973).

8. The granting of an unclassified use permit is administrative. *Durocher v. King County*, 80 Wn.2d 139 (1972).

9. A decision concerning where to locate a multipurpose stadium is legislative in nature. *Paget v. Logan*, 78 Wn.2d 349 (1970).

Limitations on initiative and referendum: corporate entity vs. legislative body distinction

The other test used by the courts to determine if an issue is subject to initiative or referendum is the distinction between a grant of authority by the state legislature to the city or county as a corporate entity or to its legislative authority (the city or county council). If the statutory grant of authority is to the city or county as a corporate entity, direct legislation by the people is permissible in the form of initiative or referendum. On the other hand, if the grant of power is to the legislative authority of the city or county, then initiative and referendum are prohibited.

When applying this test, it is necessary to determine the statutory grant of authority underlying the action involved. Appendix H contains a list of examples of specific statutory grants of authority to a city council (legislative authority). Presumably, these actions are not subject to initiative and referendum. Appendix I contains a list of examples of specific statutory grants to the city corporate entity. These may be subject to initiative and referendum, although it is necessary to review the other limitations on these powers to make that determination. And finally, Appendix J contains a selected list of specific grants of authority to county legislative authorities.

As an example of how this determination is made, consider the issue of whether citizens may pass an initiative rezoning an area of a city. It is first necessary to determine if there is a specific statutory grant of power to rezone property to either the legislative body or to the city as a whole. There is such a grant of authority for code cities in RCW 35A.63.100 and for other classes of cities in RCW 35.63.080. These statutes provide the legislative body with the authority to divide the city into zones. Therefore, this power is not subject to the power of initiative. This is also the holding of the Washington State Supreme Court, as noted below.

Another example of this determination is the question of whether the initiative process applies to a decision of whether a city should acquire and operate a water utility. Again, the first step is to determine if there is a specific statute that contains a grant of authority to the city as a whole or to the city council to operate a water utility. In this case, there is such a statutory grant in RCW 35.92.010. That statute indicates that a city or town may acquire and operate a water utility system. Therefore, the grant of authority is not limited to the city council but is a grant to the city as an entity. This issue then, because it is also not an administrative matter, would be subject to the initiative power.

Similarly, this analysis would apply to charter counties as well. An example would be a zoning regulation adopted pursuant to the Planning Enabling Act, chapter 36.70 RCW. Under this statute, the legislature clearly granted the authority to adopt zoning ordinances ("official controls") and a comprehensive plan to the county legislative authority and not the county as a whole. This effectively invalidates any attempts to use initiative or referendum powers for county comprehensive plans or zoning regulations.

There have been a number of court decisions examining specific issues to determine if the underlying action is subject to initiative and referendum based on this test. A brief summary of the holdings in some of these cases may also help illustrate how this test is applied:

1. In RCW 46.63.170(1), the legislature granted to local legislative bodies the exclusive power to legislate on the subject of the use and operation of automated traffic safety cameras. Therefore, an initiative to expressly restrict the authority of a city's legislative body to enact red light cameras by requiring a two-thirds vote of the electorate for approval and by limiting the amount of traffic fines is invalid. *Mukilteo Citizens for Simple Gov't v. City of Mukilteo*, 174 Wn.2d 41 (2012).

2. An initiative that would restrict or limit the authority of a city to issue revenue bonds under chapter 35.41 RCW, the Municipal Revenue Bond Act, exceeds the initiative power and is invalid. The legislature unambiguously granted the legislative body of the city the authority over revenue bonds under multiple provisions in chapter 35.41 RCW. *City of Sequim v. Malkasian*, 157 Wn.2d 251 (2006).

3. The power to amend the county charter was not exclusively delegated to the legislative authority of the county by either article 11 of the state constitution or the King County Charter. Under article 11, amending a county charter is no different than proposing an ordinance. Therefore, an amendment to a county charter may be subject to the powers of initiative and referendum, but repealing a charter is beyond the powers of initiative granted to the people under article 11. *Maleng v. King County Corrections Guild*, 150 Wn.2d 325 (2003).

4. An ordinance adopting a zoning regulation under chapter 36.70 RCW, the Planning Enabling Act, is not subject to the initiative or referendum power because that power has been specifically delegated to the county legislative authority. *Save Our State Park v. County Commissioners*, 74 Wn. App. 637 (1994).

5. An ordinance extending the business and occupation tax is subject to a referendum in a first class city because neither the constitution nor the state legislature restricted that taxing power to the city council. *Citizens for Financially Responsible Government v. Spokane*, 99 Wn.2d 339 (1983).

6. An initiative that amended the city zoning code was invalid because the zoning power has been granted by the state legislature to the city council and not to the city as a corporate entity. *Lince v. Bremerton*, 25 Wn. App. 309 (1980).

7. The legislature granted to the city council the authority to adopt and modify the zoning code. Therefore, a referendum challenging a rezone was not allowed by the court. *Leonard v. Bothell*, 87 Wn.2d 847 (1976).

8. An ordinance providing for annexation is not subject to a referendum because the powers of annexation have been granted by the legislature to the mayor and city council. *State ex rel. Bowen v. Kruegel*, 67 Wn.2d 673 (1965).

9. An ordinance setting utility rates for a municipal-owned water system, which is being financed by revenue bonds, is not subject to referendum because the authority to set utility rates has been given to the city council when revenue bonds are utilized. *State ex rel. Haas v. Pomeroy*, 50 Wn.2d 23 (1957).

Legislative body distinction and the Growth Management Act

The power to enact regulations under the Growth Management Act (GMA), chapter 36.70A RCW, is specifically granted to the

legislative authority of cities and counties. As summarized in the following cases, the courts have addressed the use of initiative and referendum when related to the GMA in a number of cases and have found that the powers are invalid when pertaining to a regulation adopted under the Act:

1. The GMA places considerable power and responsibility in local hands, but it is still a state power that is being exercised to further state mandates. It is for the legislature, not the courts, to amend GMA procedures to provide for local referenda. Until such an amendment is enacted, the court will continue to hold that ordinances such as these that designate and protect critical areas are not subject to local referenda. *1000 Friends of Wash. v. McFarland*, 159 Wn.2d 165 (2006).

2. A citizen's initiative to require development restrictions and creek restoration activities was held invalid because development regulations were adopted under the GMA and the authority to adopt them is specifically granted to the city legislative authority. *City of Seattle v. Yes for Seattle*, 122 Wn. App. 382 (2004), *review denied*, 153 Wn.2d 1020 (2005).

3. A critical areas ordinance adopted under the GMA was not subject to the referendum power of the citizens of Whatcom County even though the power of referendum was granted to the people in the Whatcom County Charter. The power to enact critical areas ordinances under the GMA is specifically granted to the legislative authority of a city or county. *Whatcom County v. Brisbane*, 125 Wn.2d 345 (1994).

4. An ordinance that adopted a county-wide planning policy under the requirements of the Growth Management Act was held beyond the power of referendum even though that power was specifically granted to the citizens of Snohomish County in the Snohomish County Charter. The adoption of a county-wide planning policy under the GMA is specifically granted to the legislative authority of a city or county. *Snohomish County v. Anderson*, 123 Wn.2d 151, and 124 Wn.2d 834 (1994).

As these cases make clear, the powers of initiative and referendum do not apply to ordinances adopted pursuant to the Growth Management Act.

Summary of legislation subject to the process

A multistep approach is necessary in order to determine if a specific ordinance can be subject to the powers of initiative or referendum. First, it must be determined if the ordinance is an administrative or legislative act of the city or charter county. Second, it must be determined if the underlying issue, which is the subject of the initiative or referendum petition, has been granted by the legislature to the city or charter county as a corporate entity or to the legislative authority of the city or charter county. Finally, for a referendum in a code city, the statutory exceptions from the referendum process in RCW 35A.11.090 must be checked.

How the powers are acquired by a code city

As previously indicated, not all code cities have the powers of initiative and referendum. These powers must be formally adopted to be available in a code city.

Two methods exist by which a code city may adopt the powers of initiative and referendum:

1. **Petition Method.** The adoption of the powers of initiative and referendum may be initiated by registered voters of the city filing a petition with the city requesting their adoption. To be valid, the petition must contain signatures equal in number to 50 percent of the votes cast at the last general municipal election. The petitions with signatures must then be transmitted by the city to the county auditor for verification of the signatures.

   If the petition is found to be sufficient by the county auditor, the city council must adopt a resolution declaring the intention of the city to adopt the powers of initiative and referendum. The city must publish the resolution in a newspaper of general circulation within the city not more than 10 days after passage of the resolution.

   If no referendum petition is filed within 90 days after publication of the resolution, the city council must enact an ordinance formally adopting the powers of initiative and referendum.

   If a referendum petition is filed within the 90 days after publication of the resolution that is signed by qualified electors of the city equal to not less than 10 percent of the votes cast at the last general municipal election, an election must be held on the issue of whether to adopt these powers for the city. The vote will be held at the next general municipal election if there is one within 180 days of the filing of the petition. Otherwise, the vote will be at a special election called for that purpose pursuant to RCW 29A.04.330.

2. **Resolution Method.** The second method for acquiring these powers is for a majority of the city council to initiate the process by enacting a resolution declaring the intention to provide for initiative and referendum powers. This resolution must be published in a newspaper of general circulation within the city not more than 10 days after passage of the resolution.

   If no referendum petition is filed within 90 days after publication of the resolution, then the city council must enact an ordinance formally adopting the powers of initiative and referendum.

   If a referendum petition is filed within the 90 days after publication of the resolution and is signed by qualified electors of the city equal to

not less than 10 percent of the votes cast at the last general municipal election, an election must be held on the issue of whether to adopt these powers for the city. The vote will be held at the next general municipal election if there is one within 180 days or otherwise at a special election called for that purpose pursuant to RCW 29A.04.330.

How the powers are exercised

Powers exercised in a noncharter code city

As indicated, the power of initiative is only available in those code cities that have formally adopted that power. If a code city adopts this power, it is exercised primarily in the same manner as established for the commission form of government in RCW 35.17.240 - 35.17.360. When the Optional Municipal Code was adopted in 1969, rather than set out a new and different procedure for the initiative and referendum powers, the drafters merely provided that code cities use the same basic procedure that already existed for commission cities. The one exception is in the number of signatures required for a successful petition for code cities, as specified by RCW 35A.11.100.

Only ordinances may be adopted by initiative. It is not possible to adopt resolutions by initiative. Restrictions on the types of ordinances that may be adopted by initiative have been imposed by the legislature and the courts and are reviewed on pages 5-10 of this publication.

Assuming that a code city has formally adopted the power of initiative and that the subject of an ordinance is an appropriate one for an initiative, the initiative process is basically as follows:

1. The proponent of the initiative must obtain signatures on the petition equal in number to 15 percent of the total number of registered voters within the city as of the date of the last preceding city general election. RCW 35A.11.100.

2. Everyone who signs the initiative petition must add to their signature his or her place of residence, giving the street and the number. Petitions must also be printed in the form required by RCW 35A.01.040. These requirements are outlined in detail in Appendix K.

3. The signed petition must be filed with the officer designated to receive the petition (usually the city clerk), who then has three working days to transmit it to the county auditor who will review and determine the validity and adequacy of the signatures on the petition. After review, the county auditor must attach a certificate to the petition indicating whether or not it has been signed by a sufficient number of registered voters. This written certificate is then transmitted to the city officer with whom the petition was originally filed.

4. If the number of signatures is found to be insufficient, the petitioners have 10 additional days to amend the petition by supplying additional signatures. The amended petition is then resubmitted to the receiving officer who retransmits the petition to the county auditor. If the county auditor finds the number of signatures insufficient a second time, then the petition is returned to the person filing it. Any taxpayer then has the option of filing an action in

superior court to determine if the petition is sufficient.

5. If the county auditor determines that the number of signatures is sufficient, then the city council has two options. The first is for the city council to pass the proposed ordinance, without alteration, within 20 days after the county auditor's certificate of sufficiency has been received by the council. The second is to submit the measure to a vote of the people.

6. The ballot title of any initiative is to be composed of three elements: (a) an identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; (c) a question asking the voters whether the enactment should be approved or rejected by the voters. The concise statement must be prepared by the city attorney and may not exceed 75 words. RCW 29A.36.071.

7. Once the ballot title is filed, the county auditor will notify the proponents of the initiative of the exact language of the ballot title. If the persons filing the initiative are dissatisfied with the ballot title formulated by the city attorney, they may file an appeal within 10 days to the superior court of the county where the issue is to appear on the ballot. They must indicate their objections and ask for amendment. The court will hold a hearing and render a decision certifying the correct ballot title. The decision of the superior court is final. RCW 29A.36.090.

8. The election will be held by special election not less than 45 days after the certificate of sufficiency is received by the council. The special election dates are listed in RCW 29A.04.330. (See Appendix L.) If a general election is scheduled within 90 days, the election on the initiative will take place on that date instead of on the next special election date (assuming that the general election date is at least 45 days after sufficiency of the petitions is certified).

9. The city clerk must cause the ordinance that will be submitted to the voters at an election to be published at least once in each of the daily newspapers in the city between five and 20 days before the election. If there are no daily newspapers, then publication must be in each of the weekly newspapers.

10. If a majority of the number of votes cast favor the proposed measure, it is adopted and will become effective upon certification of the election results.

An ordinance that has been adopted by means of the initiative process after an election of the people may be repealed or amended only by a vote of the people. This means that the city council may not merely amend or repeal such an ordinance, as is usually the case. However, the city council may initiate the amendment or repeal of the ordinance and then submit the proposition to a vote of the people.

Powers exercised in a noncharter code city

The objective of the referendum process is to submit an ordinance that has been

formally adopted by the city council to a vote of the people. The process is mainly the same as set out in RCW 35.17.240 - 35.17.360 for the exercise of the referendum power in commission cities.

The referendum power may be exercised only in regard to ordinances. Restrictions as to which types of ordinances are subject to the referendum are reviewed on pages 5-10 of this publication.

An ordinance that is subject to the referendum process does not go into effect for 30 days after enactment so that the citizens will have an opportunity to petition for referendum. (Ordinances that are not subject to referendum are usually effective five days after publication.)

Assuming that a code city has formally adopted the power of referendum and that the ordinance is one of the types that is subject to the referendum power, then the following basic procedures apply to exercise of the referendum power:

1. The proponent of the initiative must submit a petition with attached signatures equal to 15 percent of the number of persons listed as registered voters within the city on the day of the last preceding city general election.

2. Everyone who signs the referendum petition must add to their signature his or her place of residence, giving the street and number. The petitions must also be in the form required by RCW 35A.01.040. These requirements are outlined in detail in Appendix K.

3. The petition must be filed with the officer designated to receive the petition (usually the city clerk). That officer has three working days after the filing of a petition to transmit it to the county auditor, who determines the validity and adequacy of the signatures on the petition. The county auditor must attach a certificate to the petition indicating whether or not it has been signed by a sufficient number of registered voters and transmit the written certificate back to the city officer with whom the petition was originally filed.

4. If the number of signatures is insufficient, then the petitioners have 10 additional days to amend the petition by supplying additional signatures. The amended petition is then resubmitted to the receiving officer who retransmits the petition to the county auditor. If the county auditor finds the number of signatures insufficient a second time, then the petition is returned to the person filing it. Any taxpayer then has the option of filing an action in superior court to determine if the petition is sufficient.

5. If the county auditor determines that the number of signatures is sufficient, then the city council has two options. The first option is to reconsider the ordinance within 20 days and repeal it in its entirety. The second option is to submit the measure for approval or disapproval to a vote of the people.

6. The ballot title of any referendum is to be composed of three elements:

(a) an identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; (c) a question asking the voters whether the enactment should be approved or rejected by the voters. The concise statement must be prepared by the city attorney and may not exceed 75 words. RCW 29A.36.071.

7. Once the ballot title is filed, the county auditor will notify the persons proposing the referendum of the exact language of the concise statement. If the proponents are not satisfied with the concise statement formulated by the city attorney, they may file an appeal within 10 days to the superior court of the county where the question will appear on the ballot. They must indicate their objections and ask for an amendment. After a hearing, the superior court will certify the final ballot title. The decision of the superior court on the wording is final. RCW 29A.36.090.

8. The election will be at a special election to be held not less than 45 days after the certificate of sufficiency is received by the council. The special election dates are listed in RCW 29A.04.330. (See Appendix L.) If there is a general election being held within 90 days, the election on the referendum will take place on that date instead of on the next special election date (assuming that the general election date is at least 45 days after sufficiency of the petitions is certified).

9. The city clerk must cause the ordinance that will be submitted to the voters to be published at least once in each of the daily newspapers in the city between five and 20 days before the election. If there are no daily newspapers, then publication must be once in each of the weekly newspapers.

10. If a majority of the number of votes cast is in favor of the repeal of the proposed ordinance, then the ordinance is deemed repealed and does not become effective.

If a timely referendum petition is filed, the effective date of the ordinance is suspended until the referendum petition is found to be insufficient or the ordinance is approved by the voters at the election. This means that the ordinance does not take effect until the referendum process is complete, in one way or the other.

Powers exercised in a commission city

Basically, the same procedures apply to the exercise of the powers of initiative and referendum in a commission city as apply in a code city, since the code city drafters utilized the statutory procedures which already existed for initiative and referendum in the commission statutes, RCW 35.17.240 - 35.17.360.

However, there is one significant difference. In a commission city, for an initiative or referendum petition to be sufficient, the petition must be signed by registered voters in the city equal in number to 25 percent of the votes cast for all candidates for mayor at the last preceding city election. This number applies to both initiative and referendum petitions. It is significantly

higher than the signature requirement for code cities.

Other than this difference in the number of signatures for a successful petition, the procedure previously outlined for code cities applies.

Powers exercised in a first class city

All of the first class cities have adopted the powers of initiative and referendum in their charters. The exact procedure for the exercise of these powers is outlined in each city charter and varies from city to city. See Appendix M for a short summary of initiative and referendum procedures in each of these cities.

Powers exercised in a charter county

All of the charter counties have adopted the powers of initiative and referendum in their charters. The exact procedure for the exercise of these powers is outlined in each county charter and varies from county to county. See Appendix N for a short summary of initiative and referendum procedures in each of these counties.

How the powers are abandoned

Code cities, first class cities, and charter counties that have acquired the powers of initiative and referendum may repeal or abandon those powers. It is not possible for a commission city to abandon those powers unless the city changes to another plan of government.

All first class cities and charter counties in Washington have adopted the powers of initiative and referendum in their respective charters. If a first class city or charter county desires to relinquish or abandon its initiative and referendum powers, it must amend its charter. This is accomplished in the same manner as any other charter amendment, which requires a vote of the citizens. No first class city or charter county has ever attempted to repeal charter provisions that contain initiative and referendum powers.

State statutes do provide for the repeal or abandonment of the powers of initiative and referendum in a noncharter code city. However, those powers may not be repealed until at least six years has elapsed since they were adopted. To date, no code city that has acquired initiative and referendum powers has ever repealed them or attempted to do so.

The procedure for a code city desiring to abandon or repeal initiative and referendum powers is the same procedure as is provided for abandonment of a plan of government by a code city. RCW 35A.11.080. A summary of the procedure is as follows:

1. Two ways exist to initiate the repeal of initiative and referendum powers. The first is for the city council to pass a resolution of intention, proposing abandonment of initiative and referendum powers. The second is for the citizens to petition for abandonment of the powers. The petition must be signed by qualified electors equal in number to not less than 10 percent of the votes cast at the last general municipal election.

2. Once the petition has been determined to be sufficient by the county auditor or the resolution of intention has been approved by the council, an election must be held at the next general election in accordance with RCW 29A.04.330.

3. If a majority of the voters voting at the election vote to repeal the powers of initiative and referendum, then they are repealed.

Process and requirements for petition signature gatherers

The U.S. Supreme Court held unconstitutional a Colorado law that prohibited the payment of individuals who solicit petition signatures because it was a burden on political expression that the state could not justify. *Meyer v. Grant*, 486 U.S. 414 (1988). In response, the Washington State Legislature in 1993 enacted a law that was more limited than Colorado's and that prohibited paying a signature gatherer only on the basis of how many signatures the gatherer obtains. Paying on the basis of how many signatures are obtained may be considered an incentive for fraud in the signature-gathering process.

In 1994, the U.S. District Court for the Western District of Washington found the Washington law to be an unconstitutional restriction on the First Amendment rights of citizens by limiting payment to gatherers on a per signature basis, absent a legislative finding based on "actual evidence" of fraud. *LIMIT v. Maleng*, 874 F.Supp. 1138 (1994).

Although the Washington law (RCW 29A.84.250 and RCW 29A.84.280) has not been repealed, it is no longer enforceable, based on *LIMIT v. Maleng*. (It remains to be seen, however, if the law would be enforceable if a finding based on actual evidence of fraud is made.) In sum, a county or city may not prohibit signature gatherers from being paid, either by a flat rate or per signature gathered.

Appendix A

Cities and counties that have powers of initiative and referendum

The following cities and counties in Washington State possess the powers of initiative and referendum:

First Class Cities
All ten first class cities have the powers of initiative and referendum.

Aberdeen	Bremerton	Richland	Spokane	Vancouver
Bellingham	Everett	Seattle	Tacoma	Yakima

Code Cities
The following code cities have adopted the powers of initiative and referendum.

Battle Ground	Clarkston	Kent	Ocean Shores	Sequim
Bellevue	Des Moines	La Center	Olympia	Shoreline
Black Diamond	Edgewood	Lakewood	Port Angeles	Spokane Valley
Blaine	Edmonds	Lake Forest Park	Puyallup	Tukwila
Bonney Lake	Ellensburg	Longview	Rainier	Tumwater
Bothell	Federal Way	Lynnwood	Redmond	Walla Walla
Brier	Ferndale	Mercer Island	Renton	Wenatchee
Burien	Goldendale	Mill Creek	Ridgefield	Woodinville
Camas	Issaquah	Monroe	Sammamish	
Chelan	Kelso	Mountlake Terrace	SeaTac	
Cheney		Mukilteo		
		North Bend		

Charter Counties
All seven charter counties have adopted the powers of initiative and referendum.

Clallam	King	San Juan	Whatcom
Clark	Pierce	Snohomish	

Appendix B

Sample resolution declaring intent of code city to adopt powers of initiative and referendum

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF _____, WASHINGTON, DECLARING THE INTENT OF THE CITY COUNCIL TO ADOPT THE RIGHT OF INITIATIVE AND REFERENDUM FOR THE REGISTERED VOTERS OF THE CITY; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; AND PROVIDING THAT UPON THE EXPIRATION OF THE NINETIETH DAY AFTER THE DATE OF PUBLICATION THAT AN ORDINANCE ADOPTING THE INITIATIVE AND REFERENDUM PROCESS FOR THE REGISTERED VOTERS OF THE CITY SHALL BE PRESENTED UNLESS A TIMELY AND SUFFICIENT REFERENDUM PETITION HAS BEEN FILED REFERRING THE QUESTION TO THE REGISTERED VOTERS OF THE CITY FOR APPROVAL OR REJECTION.

The CITY COUNCIL OF THE CITY OF _____, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Pursuant to RCW 35A.11.080, which permits the legislative body of a noncharter code city, such as the City of _____, to provide for the exercise in the City of the powers of initiative and referendum in accordance with the provisions of state law set forth in RCW 35A.02.020 et seq, the City Council of the City of _____, Washington, a noncharter optional municipal code city, hereby declares its intention to adopt for the City the powers of initiative and referendum.

Section 2. Within ten (10) days following the passage of this resolution the City clerk is instructed to cause this resolution to be published at least once in a newspaper of general circulation within the City to wit: (NEWSPAPER TITLE).

Section 3. Notice is given that upon the expiration of the ninetieth day after the date of first publication of this resolution, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition is filed pursuant to RCW 35A.02.035, as determined by RCW 35A.29.170, the intent expressed in this resolution shall, at the next regular meeting of the City Council, be effected by an ordinance adopting for the City the powers of initiative and referendum.

RESOLVED this _____ day of (month/year).

CITY OF _____

_____
MAYOR, (name)

ATTEST/AUTHENTICATED:

_____
CITY CLERK, (name)

FILED WITH THE CITY CLERK: (date)
PASSED: (date)
PUBLISHED: Published in the (newspaper) on (date).

Appendix C

Sample ordinance of code city adopting powers of initiative and referendum

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF _____, WASHINGTON, ADOPTING A POWER OF INITIATIVE AND REFERENDUM FOR THE REGISTERED VOTERS OF THE CITY.

WHEREAS, the City Council of the City of _____, Washington, passed Resolution No. ____ on (date), stating its intent to adopt the powers of initiative and referendum for the registered voters of the City as provided in RCW Chapter 35A.11, now, therefore,

THE CITY COUNCIL OF THE CITY OF _____, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 1.12 entitled "Initiative and Referendum" is hereby added to the _____ Municipal Code to read as follows:

Section 1.12.010 Power of Initiative and Referendum Adopted

The City of _____ hereby adopts the power of initiative and referendum for the registered voters of the city as provided pursuant to RCW 35A.11.080 through 35A.11.100. Such powers are to be exercised as provided in the above referenced sections of the Revised Code of Washington as they now exist or may be amended from time to time and said sections are hereby incorporated in full by this reference.

Section 2. This ordinance will be in full force and effect five days after passage and publication by posting as provided by law.

CITY OF _____

_____
MAYOR, (name)

ATTEST/AUTHENTICATED:

_____
CITY CLERK, (name)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

FILED WITH THE CITY CLERK:(date)
PASSED BY THE CITY COUNCIL: (date)
SIGNED BY THE MAYOR: (date)

POSTED: (date)
EFFECTIVE DATE: (date)

Appendix D

Sample initiative petition format for code cities

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

INITIATIVE PETITION FOR SUBMISSION TO THE _____ CITY COUNCIL

TO: The City Council of the City of _____:

We, the undersigned registered voters of the City of _____, State of Washington, residing at the addresses set forth opposite our respective names, being equal to fifteen percent (15%) of the total number of names of persons listed as registered voters within the City on the day of the last preceding City general election, respectfully request that the following ordinance be enacted by the City Council or, if not so enacted, be submitted to a vote of the residents of the City. The title of the said ordinance is as follows:

(Here insert the title, ensuring that the proposed ordinance does not contain more than one subject and that the subject is clearly expressed in the title, and then insert one of the two sentences shown below.)

(The full text of the ordinance is as follows:] or (A full, true and correct copy of the ordinance is attached to this Petition.)

Each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of the City of _____, State of Washington; and my residence address is correctly stated.

Signature Printed Name Street and Number City Date

1. _____

20. _____

Appendix E

Sample referendum petition format for code cities

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PETITION FOR REFERENDUM

TO: The City Council of the City of _____:

We, the undersigned registered voters of the City of _____, State of Washington, residing at the addresses set forth opposite our respective names, being equal to fifteen percent (15%) of the total number of names of persons listed as registered voters within the City on the day of the last preceding City general election, respectfully request that Ordinance No. _____ enacted by the City Council on the _____ day of _____, 20_____, be repealed by the Council or, if not so repealed, be referred to a vote of the residents of the City for their approval or rejection. The title of the said ordinance is as follows:

(Here insert the title of the Ordinance as enacted, and then insert one of the two sentences shown below.)

(The full text of the ordinance, as enacted by the City Council, is as follows:) or (A full, true and correct copy of the ordinance as enacted by the City Council is attached to this Petition.)

Each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of the City of _____, State of Washington; and my residence address is correctly stated.

Signature Printed Name Street and Number City Date

1. _____

20. _____

Appendix F

Some common questions relating to initiative and referendum powers

1. **What is the power of initiative?**
   The power of initiative is the ability of the voters of the city or charter county to initiate and enact legislation directly, with or without the consent of their elected representatives, the city or county legislative authority.

2. **What is the power of referendum?**
   The power of referendum is the ability of the citizens of the city or charter county to have an ordinance that has been enacted by the city or county legislative authority submitted to the voters for approval or disapproval before it becomes effective.

3. **Have all first class cities adopted the powers of initiative and referendum?**
   Yes. All ten first class cities have adopted these powers in their charters. The exact procedures vary for each city as provided in their charter (See Appendix M).

4. **Do all counties have the powers of initiative and referendum?**
   No. Only the six counties that have adopted a charter have the ability to adopt the powers of initiative and referendum. Each of those counties has adopted the powers of initiative and referendum in their charters. The exact procedures vary for each county as provided in their charters (See Appendix N).

5. **Do all code cities have the powers of initiative and referendum?**
   No. The powers of initiative and referendum are available to all code cities, but they must be specifically adopted. Most of the code cities in the state have not adopted these powers.

6. **Do second class cities or towns have these powers available?**
   No. A statutory grant of authority from the state legislature is necessary for the powers of initiative and referendum to be available. There is no such grant of authority for second class cities or towns to adopt these powers.

7. **May the legislative authority of a city or county that does not have the powers of initiative and referendum available submit an issue to the voters in an advisory ballot?**
   Yes. All cities and counties in the state have the ability to submit an issue to the public on an advisory basis at an election. However, the results of the election are not binding on the city or county legislative authority, as they are for an initiative or referendum; they merely serve to reflect the mood of the electorate.

8. **How may a code city adopt the powers of initiative and referendum?**
   There are two methods by which a code city may adopt these powers. One method is initiated by a resolution of the city council and the other by a voter petition. The exact procedure for each of these methods is outlined in on pages 11-12 of this publication.

9. **How many signatures are required to initiate a referendum or initiative in a code city?**
   For an initiative or referendum petition to be valid in a code city, the petition must contain the signatures of registered voters consisting of at least 15 percent of the total number of persons listed as registered voters within the city on the day of the last preceding city general election.

10. **Does the referendum power apply to resolutions of the city or county legislative authority?**
    No. The power of referendum only applies to ordinances adopted by the city or county legislative authority. Resolutions are not subject to the referendum power and the initiative process may not be applied to a resolution.

11. **Are all types of ordinances subject to the initiative and referendum process?**
    No. There are a number of limitations on the exercise of initiative and referendum powers. Some of these limitations arise out of the state statutes that grant the right of initiative and referendum. Other limitations arise from court decisions concerning the extent of these powers.

12. **What statutory limitations are placed on the right of referendum in code cities?**
    RCW 35A.11.090 contains a list of types of ordinances that are not subject to the power of referendum in a code city. This list includes emergency ordinances, ordinances providing for local improvement districts, ordinances appropriating money, ordinances providing for collective bargaining, ordinances for compensation or other working conditions of city employees, and ordinances authorizing or repealing the levy of taxes.

13. **What other limitations are placed on the exercise of the powers of initiative and referendum?**
    The courts in Washington have imposed two tests to determine if a specific ordinance is subject to the powers of initiative and referendum. The first test is whether the underlying action is administrative or legislative. Only legislative actions are subject to initiative and referendum; administrative actions are not. The second test is to determine if the power is one that has been granted to the legislative authority of the city or county or whether it is a power that has been granted to the corporate entity as a whole. If it is a power that has been granted to the legislative authority or city council specifically, then it is not subject to initiative and referendum.

14. **What is an administrative action and what is a legislative action for purposes of determining if an action is subject to initiative and referendum?**
    The courts have established two tests to determine this. Actions relating to subjects of a permanent and general character are usually regarded as legislative in nature, and actions relating to subjects of a temporary and special character are usually regarded as administrative in nature. Secondly, the power to be exercised is legislative in nature if it prescribes a new policy or plan, while it is administrative in nature if it merely pursues a policy or plan already adopted by the city or county council.

15. **Is a rezone ordinance subject to the referendum process in a code city?**
No. This specific issue was the subject of a court case, *Leornard v. Bothell*, 87 Wn.2d 847 (1976). Although the court considered a site-specific rezone to be an administrative action, it held that the authority to adopt and modify the zoning code in a code city had been given by the state legislature to the city council, and so a site-specific rezone is not subject to the power of referendum.

16. **Is the power to annex property subject to the initiative or referendum process?**
No. The power to annex property has been granted by the state legislature specifically to the city council and so it is not subject to the initiative process. This is the holding in *State ex rel. Bowen v. Kruegel*, 67 Wn.2d 673 (1965).

17. **May the powers of initiative and referendum be abandoned once they have been adopted?**
Yes, first class cities, code cities, and charter counties may abandon these powers after they have been adopted. First class cities and charter counties must amend their charters to abandon these powers. A code city may abandon these powers so long as at least six years have elapsed since their adoption. The process is described on page 18 of this publication. Only commission cities have no authority to abandon these powers since they are a part of the commission form of government and are contained in the state enabling legislation for that form of government.

18. **Can petition signature gatherers be paid?**
Yes, petition signature gatherers can be paid either a flat fee or on a per signature gathered basis. Cities and counties do not have the authority to ban signature gatherers from being paid on either basis.

19. **Are ordinances enacted pursuant to the Growth Management Act (GMA) subject to the power of referendum?**
No. Any ordinance adopted pursuant to the GMA is not subject to the power of referendum, because the legislature specifically delegated the power to act under GMA to the legislative authority of a city or county and not to the corporate entity.

20. **Can ordinances that pertain to the Growth Management Act be enacted by initiative?**
No. Any ordinance related to the GMA is not subject to the powers of initiative as well, because the legislature specifically delegated the power to act under GMA to the legislative authority of a city or county and not to the corporate entity.

Appendix G

Selected Washington cases that relate to initiative and referendum powers of cities and counties

Most of the case law authority in Washington regarding initiative and referendum powers relate to whether a particular issue is subject to those powers or not. The following are some of the leading cases on this issue:

***Mukilteo Citizens for Simple Gov't v. City of Mukilteo*, 174 Wn.2d 41 (2012)**
The legislature granted to local legislative bodies the exclusive power to legislate on the subject of the use and operation of automated traffic safety cameras. Therefore, an initiative to expressly restrict the authority of a city's legislative body to enact red light cameras by requiring a two-thirds vote of the electorate for approval and by limiting the amount of traffic fines is invalid.

***City of Port Angeles v. Our Water-Our Choice!*, 170 Wn.2d 1 (2010)**
The decision to fluoridate the city water supply is administrative in nature, and so is beyond the scope of the local initiative power and is subject to preelection challenge.

***1000 Friends of Wash. v. McFarland*, 159 Wn.2d 165 (2006)**
Ordinances enacted under the GMA that designate and protect critical areas are not subject to local referenda.

***City of Sequim v. Malkasian*, 157 Wn.2d 251 (2006)**
An initiative that would restrict or limit the authority of a city to issue revenue bonds under chapter 35.41 RCW, the Municipal Revenue Bond Act, exceeds the initiative power and is invalid. The legislature unambiguously granted the legislative body of the city the authority over revenue bonds under multiple provisions in chapter 35.41 RCW.

***City of Seattle v. Yes for Seattle*, 122 Wn. App. 382 (2004), *review denied*, 153 Wn.2d 1020 (2005)**
A local initiative that related to development restrictions over creeks or their buffers and required certain creek restoration activities was invalid because the initiative concerned a development regulation under the Growth Management Act and the statutory grant of power to enact such regulations is to the legislative authority of the city.

***King County v. Taxpayers of King County*, 133 Wn.2d 584 (1997)**
An ordinance authorizing the issuance of bonds to build a new baseball stadium as permitted under the Stadium Act (RCW 82.14.0485) was not subject to initiative.

***Bidwell v. Bellevue*, 65 Wn. App. 43, *review denied*, 119 Wn.2d 1023 (1992)**
An initiative that restricted the authority of the Bellevue Convention Center Authority to issue negotiable bonds or notes to finance construction of the convention center without prior voter approval was not appropriate because the initiative dealt with administrative matters and would

have unconstitutionally impaired contract rights.

***Heider v. Seattle*, 100 Wn.2d 874 (1984)**
Changing the name of a street is an administrative action not subject to the initiative process.

***Citizens for Financially Responsible Government v. Spokane*, 99 Wn.2d 339 (1983)**
The enactment by a first class city of a business and occupation tax is subject to referendum because it is legislative in nature and the power to enact such taxes is shared with the electorate because of provisions in the Spokane city charter.

***Seattle Building and Construction Trades Council v. Seattle*, 94 Wn.2d 740 (1980)**
A proposed initiative that would have prohibited further work on the I-90 construction project across Lake Washington was held invalid because the actions of the city were administrative in nature and not subject to the initiative process.

***Lince v. Bremerton*, 25 Wn. App. 309 (1980)**
An initiative is not an appropriate measure to amend the zoning code of a first class city because that is a power that has been given to the legislative body of the city.

***Leornard v. Bothell*, 87 Wn.2d 847 (1976)**
A site-specific rezone ordinance is not subject to the referendum power because it is administrative in nature and also because the power to amend the zoning code has been granted to the legislative body of the city.

***Ruano v. Spellman*, 81 Wn.2d 820 (1973)**
An attempt to prevent construction of the Kingdome by repealing the resolution authorizing the project and the bonds to finance it and to prohibit spending of funds for further development was improper because the decisions remaining were held to be administrative in nature and the passage of the initiative would also result in the impairment of existing contract rights.

***State ex rel. Guthrie v. Richland*, 80 Wn.2d 382 (1972)**
Initiative and referendum powers can only be invoked at the local level if their exercise is not in conflict with state law. In this case, an ordinance providing for extensions to the municipally-owned waterworks, financed by revenue bonds, was held not subject to a referendum.

***Durocher v. King County*, 80 Wn.2d 139 (1972)**
Action by the county in granting an "unclassified use permit" was not subject to referendum because it is administrative in nature.

***Ford v. Logan*, 79 Wn.2d 147 (1971)**
The repeal of a county home rule charter is not within the initiative powers granted to the voters of a county.

***Paget v. Logan*, 78 Wn.2d 349 (1970)**
An initiative that prohibited location of a multipurpose stadium at the Seattle Center was held to be appropriate because the issue was legislative and the power was one that had been granted to the county as a corporate entity.

***State ex rel. Bowen v. Kruegel*, 67 Wn.2d 673 (1965)**

An annexation ordinance is not subject to referendum power because the authority to annex property has been given to the city council.

***State ex rel. Haas v. Pomeroy*, 50 Wn.2d 23 (1957)**
The action of a city council in setting water utility rates, where the system is financed by revenue bonds, is not subject to referendum because the grant of power to set rates when revenue bonds have been used to create the utility is to the city council.

Cases that relate to other aspects of the local initiative and referendum process:

***Eyman v. McGehee*, 173 Wn. App. 684 (2013)**
The city clerk had a mandatory duty under RCW 35A.01.040(4) and RCW 35A.29.170 to transfer to the county auditor the initiative petition to prohibit the city's using automatic ticketing cameras, but the issuance of writ of mandamus the issuance of a writ would have been improper as a vain and useless act, because the initiative exceeded the local initiative power.

***City of Sequim v. Malkasian*, 157 Wn.2d 251 (2006)**
The city had standing to bring a postelection challenge to an initiative approved by the voters. The question of whether the initiative was beyond the scope of the initiative power was not mooted by the election because the election did not alter or expand the scope of the initiative power. The sponsor of a local initiative can be the proper defendant in a preelection declaratory action to determine whether the initiative exceeds the initiative power of the people.

***Maleng v. King County Corrections Guild*, 150 Wn.2d 325 (2003)**
A county initiative changing the number of councilmembers was valid. The state supreme court held that the initiative was not beyond the initiative powers under the state constitution or the King County Charter because amending a charter is no different that proposing an ordinance.

***Priorities First v. City of Spokane*, 93 Wn. App. 406 (1998), *review denied*, 137 Wn.2d 1035 (1999)**
An action against the city for refusing to put an initiative on the ballot that sought voter approval before it created a public development authority (PDA) to provide off-street parking facilities was invalid. The court of appeals ruled that the city was correct in declaring the initiative invalid because it conflicted with a state statute (chapter 35.41 RCW) in which the legislature has delegated authority to the city council.

***CLEAN v. City of Spokane*, 133 Wn.2d 455 (1997)**
A referendum challenging an ordinance to support an off-street parking garage for a private retail development under the emergency clause of the Spokane City Charter was invalid. The court ruled that the city had an interest in preventing economic loss to the downtown area.

***Whatcom County v. Brisbane*, 125 Wn.2d 345 (1994)**
A critical areas ordinance enacted under the Growth Management Act was not subject to the referendum power. The court stated that where a statutory grant of authority is given to the legislative body of a city or county then that grant of authority supersedes the county or city charter.

***Snohomish County v. Anderson*, 123 Wn.2d 151 (1994), also 124 Wn.2d 834 (1994)**
A citizen's referendum to the county council adopting a county-wide planning policy ordinance as required under the Growth Management Act (GMA) was invalid. The court ruled that the GMA requires the legislative authority of counties to adopt a county-wide planning policy and a referendum regarding that policy is beyond the referendum power of the citizens.

***Save Our State Park v. County Commissioners*, 74 Wn. App. 637 (1994)**
An initiative to repeal a zoning regulation adopted by the county commissioners pursuant to the Planning Enabling Act, chapter 36.70 RCW, was invalid. The court of appeals ruled that the legislature has clearly delegated the authority to approve a comprehensive plan, adopt official controls, and engage in zoning under chapter 36.70 RCW to the county legislative authority.

***LIMIT v. Maleng*, 874 F.Supp. 1138 (1994)**
The U.S. District Court found that, based on the U.S. Supreme Court's interpretation, the Washington law that made it a gross misdemeanor to pay signature gatherers per signature was an unconstitutional prohibition on freedom of political speech guaranteed by the First Amendment.

***State ex rel. Uhlman v. Melton*, 66 Wn.2d 157 (1965)**
Petitions for referendums in municipalities must strictly comply with procedural requirements, such as the time for filing petitions, since these requirements are mandatory and jurisdictional.

***State ex. rel. O'Connell v. Meyers*, 51 Wn.2d 454 (1957)**
The presumption in favor of constitutionality of legislation also applies to statutes enacted by initiative.

Appendix H

Examples of specific statutory grants of power to municipal legislative authority

These topics are not likely to be subject to initiative and referendum powers.

Statutory Grants	RCW
Consolidation/Annexation of One City to Another	Ch.35.10
Annexation of Unincorporated Areas to City	Ch.35.13
Assumption of Water-Sewer Districts	35.13A.020
Power to Acquire Auditoriums, Art Museums, Swimming Pools, etc.	35.21.020
Power to Create Special Funds: Payroll & Claims	35.21.085
Authority to Designate Streets as Parkways Transfer of Maintenance Responsibilities	35.21.190
Power to Establish Residency Qualifications for Appointed Officials/ Preference in Employment	35.21.200
Power to Purchase Liability and Workman's Compensation Insurance	35.21.209
Power to Establish Transportation Benefit Districts	35.21.225
Power to Participate in Economic Opportunity Act Programs	35.21.680
Authority to Promote Tourism	35.21.700
Authority to Establish Public Ambulance Utility	35.21.766
Authority to Establish B & O Tax on Ambulance Businesses	35.21.768
Authority to Revise Corporate Boundary Street Center Lines	35.21.790
Authority to Create Park Board Commissioners	35.23.170
Authority to Create Special Funds, Sell Revenue Bonds, Warrants & Set Rates Municipal Bond Revenue Act	Ch.35.41
Authority to Order Local Improvements	35.43.040
Authority to Create Utility Local Improvement Districts (ULID)	35.43.042
Authority to Issue LID Bonds	35.45.010
Authority to Create Pedestrian Malls	35.71.030
Authority to Contract for Street Projects	35.72.010
Authority to Create Comprehensive (6-year) Street Plan	35.77.010
Authority to Classify Streets	35.78.010
Authority to Vacate Streets	35.79.030
Authority to Regulate Unfit Dwellings, Buildings, Structures	35.80.030
Authority to Enable Local Housing Authority	35.82.030

Statutory Grants	RCW
Authority to Acquire, Construct, Maintain, etc., Out-of-State Property, Plant and Equipment for Municipal Utilities	35.92.014
Authority to Appropriate Funds, Levy Tax for Transportation System	35.95.030
Authority to Annex Property Code Cities	35A.14.015
Authority to Establish a Planning Agency	35A.63.020
Authority to Approve Comprehensive Plan	35A.63.072 35.63.100
Authority to Adopt Land Use Regulations (Zoning Code)	35A.63.100 35.63.110
Authority to Establish Short Plat/Subdivision Regulations	58.17.060
Authority to Approve Plats	58.17.100 58.17.110 58.17.170

Appendix I

Examples of specific statutory grants of power to municipal corporate entity

These topics may be subject to initiative and referendum powers if the other statutory and judicial limitations on the powers are satisfied.

Statutory Grants	RCW
Petition for Reduction of City Limits	35.16.010
Power to Provide Auxiliary Water System for Fire Protection	35.21.030
Power to Create Equipment Fund	35.21.088
Power to Establish, Construct and Maintain Dikes and Levees	35.21.090
Power to Accept Donations of Property	35.21.100
Authorization to Construct, Acquire and Maintain Ferries	35.21.110
Power to Establish Solid Waste Handling System	35.21.120
Power to Establish Sewers, Drainage and Water Supplies	35.21.210
Power to Regulate Sidewalks	35.21.220
Authority to Require Removal of Debris/Plants	35.21.310
Authority to Establish Lake Management Districts	35.21.403
Authority to Establish Youth Agencies	35.21.630
Authority to Assist Development of Low Income Housing	35.21.685
Authority to Own/Operate Professional Sports Franchise	35.21.695
Authority to Acquire/Construct Multi-Purpose Community Center	35.59.030
Authority to Participate in World Fairs and Expositions	35.60.030
Authority to Construct Sidewalks, Gutters, Curbs, etc.	35.68.010
Authority to Erect/Maintain Draw Bridges	
Authority to Regulate and License Bicycles	35.75.010
Authority to Provide Off-Street Parking Facilities	35.86.010
Authority to Acquire and Operate Municipal Utilities Generally	35.92.010
Authority to Require Conversion to Underground Utilities	35.96.030
Authority to Establish Heating Systems	35.97.020
Power to Adopt Code City Status	35A.02.010
Power to Adopt Charter Code City Status	35A.07.010
Authority for Library, Museum and Historical Activities	35A.27.010
Authority for Joint Acquisition of Land for Schools	35A.28.010
Authority for Joint Facilities and Agreements Intergovernmental Relations Civic Center, Jails, Armories	35A.35.010

Statutory Grants	RCW
Authority for Emergency Services Participation	35A.38.010
Authority for Granting of Property for Highways and Streets	35A.47.010
Authority for Local Regulatory Option on Sale of Liquor	Ch.35A.66
Authority to Acquire Recreational Facilities	Ch.35A.67
Authority to Acquire Cemeteries/Morgues	Ch.35A.68
Authority to Regulate Food and Drugs	Ch.35A.69
Authority to Regulate Health and Safety	Ch.35A.70
Authority to Provide for the General Welfare	Ch.35A.74
Power to Acquire, Use and Manage Property and Materials	Ch.35A.79
Authority to Provide Public Utilities	Ch.35A.80
Authority to Regulate Harbors and Navigation	Ch.35A.88

Appendix J

Examples of specific statutory grants of power to the county legislative authority

Under RCW 36.32.120, the legislature has granted specific powers to the legislative authority of counties. Specifically those powers are:

1. The erection and repairing of public buildings for use by the county.

2. Laying out, discontinuing, or altering county roads or highways within the county.

3. License and fix rates of ferriage.

4. Fix the amount of taxes to be assessed.

5. Allow all accounts legally chargeable and audit, manage, collect and disburse any money belonging to the county or appropriated to its benefit.

6. Care of the county property and management of the county funds and business as well as prosecute and defend all actions for and against the county.

7. Make and enforce all such police and sanitary regulations as are not in conflict with state law and may adopt building codes for unincorporated areas.

8. The power to compound or release in whole or part any debt due the county.

9. Administer oaths or affirmations necessary to discharge their duties and commit for contempt any witness refusing to testify.

10. The power to declare what shall be deemed a nuisance within the county.

Appendix K

Rules for petitions in cities

Specific statutory rules apply to petitions in cities, including referendum and initiative petitions. RCW 35.21.005, 35A.01.040. The most important of these rules relating to petitions signed by voters are as follows:

1. The petition may include any page or group of pages which contain an identical text intended by the circulators to be considered as one petition. The following are essential elements of the petition:

   a. The text of the petition must be a concise statement of the action or relief desired by the petitioners;

   b. All initiative and referendum petitions must contain an attached copy of the full ordinance;

   c. The petition must contain numbered lines for signatures with space provided beside each signature for the date of signing and the address of the signer;

   d. The warning statement that is outlined below must be contained on each page of the petition having a space for signatures;

   e. Any petition that seeks the annexation, incorporation, withdrawal or reduction of city limits must contain an accurate legal description of the area proposed for such action and a map if practical.

2. The petitions must be printed or typed on single sheets of white paper of good quality. Each sheet of petition paper that has a space of signatures must contain the text of the petition and the following warning language:

   WARNING

   Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

   Each signature must be signed in ink or indelible pencil and must be followed by the date of signing and the address of the signer.

3. In code cities, the petition must contain the valid signatures of 15 percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election. RCW 35A.11.100.

4. The signatures do not have to all be attached to one sheet of paper.

5. Petitions that contain the required number of signatures are to be ac-

cepted as valid until their invalidity has been proved.

6. A variation between the signature on the petition and that on the voter's permanent registration which is caused by use of initials instead of the first or middle names, or both, does not invalidate the signature on the petition if the last name and handwriting are the same.

7. Signatures that are followed by a date of signing that is more than six months prior to the date of filing the petition are also to be stricken. This means, in effect, that signatures are valid only for six months after the date of signing.

8. Within three working days after the filing of the petition with the city, the officer with whom the petition is filed shall transmit the petition to the county auditor, who must proceed with the determination of whether the signatures are sufficient. The office of the county auditor must notify the officer who received the petition of the date on which this determination was begun, and this date is to be known as the terminal date.

9. Any signer of a filed petition may withdraw his or her signature by filing a written request for withdrawal with the receiving officer prior to the terminal date. The name of the person seeking to withdraw must be signed exactly as the signature on the initial petition. After the filing of the request for withdrawal, the signature of the person seeking to withdraw is to be considered withdrawn.

10. Additional pages of one or more signatures may be added to the petition by filing with the receiving officer such pages prior to the terminal date.

11. The officer responsible for determining the sufficiency of the petition shall do so in writing and transmit the written certificate to the officer with whom the petition was originally filed.

Appendix L

Special election dates

Initiative and referendum elections may be held only on specific dates. These dates are set out in RCW 29A.04.330 and apply to all classes of cities and to all counties. The following are the dates on which an initiative or referendum election may be held:

1. The second Tuesday in February;

2. The fourth Tuesday in April;

3. The third Tuesday in May;

4. The day of the primary election as specified by RCW 29A.04.311;

5. The first Tuesday after the first Monday in November (this is the same date as the general election date in November).

If a sufficient initiative and referendum petition is filed, the election on the ordinance must be held on one of the above listed dates.

Appendix M

Brief review of initiative and referendum powers of first class cities as established in their charters

The following is a brief synopsis of the initiative and referendum powers of each of the first class cities. However, for complete details of the procedures and limitations on these powers, the specific charters of each of the cities must be carefully reviewed.

Aberdeen
Initiative – An ordinance may be initiated by a petition of 25 percent of the qualified registered voters of the city voting at the last preceding general municipal election. The proposed ordinance and initiative must be filed with the finance director at least 60 days before the next municipal general election. If the signatures are sufficient, the measure must be placed on the ballot at the next general municipal election.

Referendum – The citizens have 45 days after the final publication of an ordinance to circulate a petition and obtain the signatures of registered voters equal to at least 25 percent of the total number of persons voting at the last preceding regular municipal election. The election may be at a special election or a general municipal election. If the ordinance is repealed, the council may not reenact it for at least one year.

Bellingham
Initiative – An ordinance may be initiated on petition of a number of qualified voters equal to not less than 20 percent of the total number of votes cast for the office of mayor at the last preceding municipal general election. The initiative petition is to be filed with the finance director. The election will be at the next municipal general election, although the council may provide for a special election on the initiative.

Referendum – An ordinance may be referred to a referendum election if a petition is filed signed by qualified voters equal in number to not less than 8 percent of the total number of votes cast for the office of mayor at the last preceding municipal general election. The petition must be filed with the finance director at least 30 days following the effective date of such ordinance. Any ordinance initiated or referred and approved at an election may not be amended or repealed within two years after the effective date.

Bremerton
Initiative – An ordinance may be initiated on petition signed by registered voters equal in number to at least 20 percent of the votes cast at the last municipal general election for all candidates for the office of mayor. The initiative must be filed with the city clerk. The election may be at a special election. No ordinance initiated by this process and voted on favorably by the people may be amended or repealed by the city council unless submitted to the citizens for a vote.

Referendum – An ordinance may be referred to a referendum election if a petition is filed before the effective date of the ordinance signed by qualified electors of the city equal in number to not less than 25 percent of the votes cast at the last municipal general election for all candidates

for the office of mayor. The petition must be filed with the city clerk and the election may be at a special or general election.

Everett
Initiative – An ordinance may be initiated by a petition signed by qualified electors equal in number to at least 15 percent of the total number of votes cast at the last preceding municipal general election. The petition must be filed with the clerk and the election may be at a special or general election. No ordinance passed by this process may be amended or repealed except by popular vote of the people.

Referendum – An ordinance may be referred to a referendum election if a petition is filed before the effective date signed by qualified electors equal in number to 10 percent of the entire vote cast at the last preceding general municipal election. It must be filed with the clerk and the election may be at a general or special election.

Richland
Initiative – An ordinance may be initiated by a petition signed by a number of registered voters equal to at least 20 percent of the total vote cast at the last preceding regular general election. The petition must be filed with the city clerk and the election may be at a special or general election. An initiative ordinance may not be amended or repealed within one year of its enactment.

Referendum – An ordinance may be referred to a referendum election if a petition is filed within 30 days of first publication of the ordinance. The petition must be signed by a number of registered electors equal to at least 25 percent of the total votes cast at the last preceding regular general election. The petition must be filed with the clerk and the election may be at a general or special election. No ordinance repealed by such an election may be reenacted by the council within one year of the effective date of the repeal.

Seattle
Initiative – An ordinance may be initiated by a petition signed by a number of registered voters equal to not less than 10 percent of the total number of votes cast for the office of mayor at the last preceding municipal election. The petition must be filed with the city comptroller. The election may be at a special or general election.

Referendum – An ordinance may be referred to a referendum election if a petition is filed signed by a number of registered voters equal to not less than 8 percent of the total number of votes cast for the office of mayor at the last preceding municipal election. The petition must be filed with the city comptroller and the election may be at a special or general election. No ordinance so initiated or referred and approved by the voters may be amended or repealed by the council for at least a two-year period.

Spokane
Initiative – An ordinance may be initiated by a petition signed by registered and qualified electors equal in number to at least 15 percent of the total number of votes cast at the last preceding general municipal election. The petition must be filed with the clerk and submitted at the next available special or general election. No ordinance adopted by this process may be amended by the council within three years without a vote of the people. After three years, the council may amend or repeal the ordinance if passed by vote of a majority

plus one and the ordinance is subject to referendum.

Referendum – An ordinance may be referred to a referendum election if prior to its effective date a petition is filed signed by qualified electors equal in number to at least 10 percent of the total number of votes cast at the last preceding general municipal election. The petition must be filed with the clerk and voted upon at a general or special election.

Tacoma
Initiative – An ordinance may be initiated by a petition signed by registered voters equal in number to at least 10 percent of the total votes cast at the last preceding council-manic election. The petition must be filed with the city clerk and submitted to a vote at the next general municipal election or at a special election. No ordinance enacted in this manner may be amended or repealed by the council within two years unless the amendment or repeal is submitted to a vote of the people.

Referendum – An ordinance may be referred to a referendum election if prior to its effective date a petition is filed signed by qualified electors equal in number to at least 10 percent of the total vote cast in the last preceding council-manic election. The petition must be filed with the city clerk and submitted to a vote at the next general municipal election or at a special election.

Vancouver
Initiative – An ordinance may be initiated by a petition signed by registered voters equal in number to at least 15 percent of the number of votes cast at the last preceding municipal general election. The petition must be filed with the city clerk and submitted at a general or special election. No ordinance enacted by this process may be amended or repealed within one year by the city council.

Referendum – An ordinance may be referred to a referendum election if within 30 days after enactment a petition is filed signed by registered voters of the city equal in number to at least 10 percent of the number of votes cast at the last preceding municipal general election. The petition must be filed with the city clerk and may be submitted at a general or special election.

Yakima
Initiative – An ordinance may be initiated by a petition signed by qualified electors equal in number to 20 percent of the total number of votes cast at the last preceding general city election. The petition must be filed with the city clerk and the election may be at a special or general election.

Referendum – An ordinance may be referred to a referendum election if prior to its effective date a petition is filed signed by qualified electors equal in number to 10 percent of the entire vote cast at the last preceding general city election. It must be filed with the city clerk and submitted at a general or special election.

Appendix N

Brief review of initiative and referendum powers of charter counties as established in their charters

Clallam County
Initiative – A sponsor must submit the proposed ordinance to the county auditor for the petition to become registered. The sponsor has 90 days from the date of registration to collect the signatures of not less than 10 percent of the number of voters who voted in the last gubernatorial election. The county commissioners will call for a public hearing within 30 days after receipt of the proposed ordinance and, after the public hearing, the county commissioners have 30 days to adopt or reject the proposed ordinance. If rejected, then the commissioners must set a date for the election of the proposed ordinance and any possible substitute ordinance within 240 days of the rejection but not before 105 days after rejection.

Mini-Initiative – The process for a mini-initiative is the same set forth for an initiative but the sponsor need only get signatures of three percent of the number of those that voted in the last gubernatorial election in the county. The commissioners have 60 days to hold a public hearing on the proposed ordinance and have 30 days after the public hearing to adopt or reject the proposed ordinance in whole or in part.

Referendum – A sponsor may submit a petition for registration requesting the referral of an adopted ordinance to the people for acceptance or rejection in the form of a referendum proposal. The proposed petition for registration must be within 10 days of the adoption of the ordinance that is the subject of the proposed referendum. Once the petition is registered, the ordinance referred to in the petition is suspended without force. The format for signatures is the same as for initiative and mini-initiative but the time allowed to gather the signatures of 10 percent of those that voted in the last gubernatorial election is 60 days instead of 90. The commissioners will then place the proposed referendum on the ballot for the next election but not before 45 days has elapsed since the petitions were validated.

Referendum by the Commissioners – The commissioners may, by ordinance, refer any proposed or adopted ordinance to the voters for their approval or rejection in the next regular or special election. If a proposed ordinance is approved by the majority of voters then it shall become effective 10 days after the election results are certified.

Clark County
Initiative – Any registered county voter may file an initiative petition with the county auditor. Within 10 business days of the filing date, the prosecuting attorney must formulate a ballot title. The auditor then gives the proposed initiative an identifying number. Within 5 business days, the auditor must then confer with the initiative sponsor and establish the form and style of the initiative petition. The sponsor then has 120 days to collect valid signatures from registered county voters equaling no less than 10 percent of the number of votes cast in the county in the last gubernatorial election. The signatures must be submitted to the auditor no less

than 150 days before the date of the next general election. If a sufficient number of valid signatures has been submitted, the auditor then places the proposed initiative on the ballot for the next general election.

Mini-Initiative – An initiative proposal can be put directly to the county council if a sponsor gets the valid signatures of county voters totaling at least 3 percent of the number of votes cast in the county in the last gubernatorial election. The auditor has 30 business days to validate signatures. If a sufficient number of signatures is verified, the county council must hold a public hearing on the initiative petition within 60 days. After the hearing, the county council has 30 calendar days to enact, reject, or modify the proposed ordinance.

Referendum – Within 10 days after an ordinance is passed by the county council, a county voter may submit to the county auditor a referendum petition signed by 100 registered county voters against all or any portion of the ordinance. The auditor has 10 calendar days to verify the signatures. If 100 signatures are validated, the relevant portions of the ordinance are suspended. Within five business days, the auditor must confer with the referendum sponsor to review the proposal and give the referendum an identifying number. Within 10 business days, the prosecuting attorney must issue a title to the referendum. The sponsor then has 120 calendar days to collect valid signatures from county voters totaling no less than 10 percent of the total votes cast in the county in the last gubernatorial election. If the appropriate number of valid signatures was received by the auditor, the referendum is submitted to the voters at the next general election.

King County

Initiative – Proposed ordinances may be enacted by initiative of the people if petitions bearing not less than 10 percent of the voters of the county that voted in the last election for county executive are filed with the county council. If sufficient, the council has 90 days to adopt the ordinance as petitioned or place the proposed ordinance on the ballot not less than 135 days after the petitions were filed. The council may also reject the proposed ordinance and adopt a substitute ordinance. Both ordinances are then placed on the ballot and the voters are given the choice of rejecting both or choosing one over the other.

Referendum – An ordinance may be subject to referendum if the ordinance petitions have signatures of no less than eight percent of voters in the county that voted in the last election for county executive, and they are filed prior to the effective date of the ordinance. The full text of the ordinance to be referred must be on each petition. If sufficient, the referendum will be put on the ballot at the next special or general election occurring more than 45 days after the petitions are filed.

Institutional Initiative – Any city or town within the county boundaries may, after securing consent by motion or resolution of at least half of the cities within the county, petition the council directly with a proposed ordinance. The proposed ordinance must have county-wide significance and be of a subject matter not already prohibited by referendum.

Pierce County

Initiative – Any voter can propose an initiative to be filed with the filing officer. The filing officer must confer with the sponsor as to the form and style and the prosecuting attorney gives the initiative a ballot

title. The petitioner has 120 days to get the signatures of not less than 10 percent of the registered voters who voted in the last election for county executive. After the filing officer verifies the sufficiency of the signatures, the council can adopt the proposed ordinance without amendment or reject the ordinance and adopt a substitute ordinance. Both ordinances will then be put on the same ballot at the next general election not less than 120 days before validation.

Referendum – Any voter has 15 days after an ordinance is passed by the council to file a referendum proposal. The filing officer confers with the petitioner as to the style and form as well as give the referendum proposal a number. The prosecuting attorney then gives the referendum proposal a ballot title and petitioner has 120 days to gather signatures of at least eight percent of the registered voters in the last election for county executive. The filing officer verifies the sufficiency of the signatures and submits the measure to the people in the next general election not less than 120 days after validation.

Snohomish County

Initiative – An initiative proposal must be filed with the officer charged with holding elections. The prosecuting attorney then drafts the ballot title and the filing officer confers with the petitioner to review and establish the form and substance of the petitions. The petitioner has 90 days to collect the signatures of at least seven percent of the registered voters who voted in the last gubernatorial election. If the sufficiency of petitions is validated then the proposal will be submitted to the people not less than 60 days after validation. Or the council can adopt the proposed ordinance without change or adopt a substitute ordinance. If a substitute ordinance is adopted then both ordinances will be put on the ballot for the voters.

Mini-Initiative – An initiative proposal can be put directly to the council if a sponsor gets the signatures of at least three percent of the voters in the last gubernatorial election. The council then holds a public hearing on the proposed ordinance and can enact, reject, or modify the proposed ordinance within 30 days.

Referendum – Within 10 days after an ordinance is passed by the council, a voter may submit a referendum petition with at least 100 signatures of those that are opposed to the ordinance with the filing officer. After the form and style of the petitions is confirmed and the ballot title is issued, the petitioner has 45 days to get the signatures of at least five percent of the number of votes that voted in the last gubernatorial election. After validation of the petitions the measure is put to the voters in the next general election not less than 60 days from the time the petitions are validated.

San Juan County

Initiative – Any voter or organization of voters may file an initiative proposal with the county auditor. After the form and style of the petitions are reviewed and the initiative is given a ballot title by the prosecuting attorney, then the petitioner has 120 days to collect the signatures of at least 15 percent of the number of votes in the county from the last gubernatorial election. After the sufficiency of the petitions is verified the measure is to be put to the voters at the next general election not less than 120 days after validation of the petitions. The council can adopt the initiative measure without change or adopt a substi-

tute measure concerning the same subject matter and both will be put on the ballot.

Mini-Initiative – Any voter can propose an ordinance to the council if they collect at least 3 percent of the number of qualified voters who voted in the last gubernatorial election. The council will then hold a public hearing and has 60 days to enact or reject the proposed ordinance.

Referendum – Any voter has 45 days after an ordinance is passed by the council to file a referendum proposal. After the form and style of the petitions is reviewed by the auditor and the prosecuting attorney gives the proposal a ballot title, the petitioner has 120 days to collect the signatures of registered voters of the county not less than 15 percent of those that voted in the last gubernatorial election. If the sufficiency of the petitions is verified, the proposal will be submitted to the voters at the next general election not less than 120 days after verification.

Whatcom County

Initiative – Any voter may file an initiative proposal with the county auditor. After the form and style of the petitions are reviewed and the initiative is given a ballot title by the prosecuting attorney, then the petitioner has 120 days to collect the signatures of at least 15 percent of the number of votes in the county from the last general election. After the sufficiency of the petitions is verified the measure is to be put to the voters at the next general election not less than 120 days after validation of the petitions. The council can adopt the initiative measure without change or adopt a substitute measure concerning the same subject matter and both will be put on the ballot.

Mini-Initiative – Any voter can propose an ordinance to the council if they collect at least 3 percent of the number of qualified voters who voted in the last gubernatorial election. The council will then hold a public hearing and has 60 days to enact or reject the proposed ordinance.

Referendum – Any voter has 45 days after an ordinance is passed by the council to file a referendum proposal. After the form and style of the petitions is reviewed by the auditor and the prosecuting attorney gives the proposal a ballot title, the petitioner has 120 days to collect the signatures of registered voters of the county not less than 15 percent of those that voted in the last general election. If the sufficiency of the petitions is verified, the proposal will be submitted to the voters at the next general election not less than 120 days after verification.