



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 23, 2015

Ordinance 18167

Proposed No. 2015-0274.2

Sponsors von Reichbauer

1 AN ORDINANCE relating to elections; amending
2 Ordinance 287, Section 1, as amended, and K.C.C.
3 1.04.010, Ordinance 287, Section 2, and K.C.C. 1.04.020,
4 Ordinance 8113, Section 2, as amended, and K.C.C.
5 1.10.010, Ordinance 8113, Section 5, and K.C.C. 1.10.040,
6 Ordinance 8113, Section 7, as amended, and K.C.C.
7 1.10.060, Ordinance 884, Section 1, as amended, and
8 K.C.C.1.12.010, Ordinance 159, Section 4, as amended,
9 and K.C.C. 1.16.040, Ordinance 159, Section 5, as
10 amended, and K.C.C. 1.16.050, Ordinance 159, Section 6,
11 as amended, and K.C.C. 1.16.060, Ordinance 834, Section
12 1, as amended, and K.C.C. 1.16.100, Ordinance 8024,
13 Section 2, as amended, and K.C.C. 1.18.020, Ordinance
14 8024, Section 5, as amended, and K.C.C. 1.18.050,
15 Ordinance 8024, Section 6, as amended, and K.C.C.
16 1.18.060, Ordinance 8024, Section 7, as amended, and
17 K.C.C. 1.18.070, Ordinance 8024, Section 8, as amended,
18 and K.C.C. 1.18.080, Ordinance 17210, Section 1, and
19 K.C.C. 2.18.100, Ordinance 12075, Section 8, as amended,

20 and K.C.C. 2.36.030, Ordinance 15453, Section 4, as
21 amended, and K.C.C. 2.53.031 and Ordinance 15453,
22 Section 6, as amended, and K.C.C. 2.53.051, repealing
23 Ordinance 8113, Sections 2 and 3, as amended, and K.C.C.
24 1.10.020, Ordinance 8113, Section 4, as amended, and
25 K.C.C. 1.10.030 , Ordinance 8113, Section 8, as amended,
26 and K.C.C. 1.10.070 and Ordinance 1053, Sections 1 and 2,
27 as amended, and K.C.C. 1.12.020 and decodifying K.C.C.
28 1.18.100.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. Ordinance 287, Section 1, as amended, and K.C.C. 1.04.010 are
31 each hereby amended to read as follows:

32 Each candidate for nomination or election to an elective office in King County
33 shall, in compliance with the provisions of (~~Article 6,~~) Section 690 of the King County
34 Charter, execute and file a statement of campaign contributions and expenditures (~~(on)~~)
35 in the form (~~(or forms)~~) required by the Public Disclosure Commission (~~(pursuant to)~~)
36 under chapter 42.17A (~~(of the Revised Code of Washington)~~) RCW.

37 SECTION 2. Ordinance 287, Section 2, and K.C.C. 1.04.020 are each hereby
38 amended to read as follows:

39 A willful violation of (~~(Section)~~) K.C.C. 1.04.010 (~~(of this chapter)~~) and of
40 Section 690 of the King County Charter shall disqualify the candidate from holding
41 county elective office.

42 SECTION 3. Ordinance 8113, Section 2, as amended, and K.C.C. 1.10.010 are
43 each hereby amended to read as follows:

44 A. Publication and distribution of a countywide local voters' pamphlet in
45 conformity with the provisions of chapter ~~((29.81A))~~ 29A.32 RCW, for ~~((annual))~~ all
46 general elections and ~~((odd-numbered-year-election))~~ primaries ~~((held in King County,~~
47 ~~and for other primaries))~~ and for special elections ~~((as determined by the council,))~~ when
48 a county elective office or ballot measure is to appear on the ballot is hereby authorized.
49 ~~((Authorization is specifically given for special elections held for municipal~~
50 ~~incorporations and annexations to be conducted by mail ballot and for even numbered~~
51 ~~year primaries when the county has an elective office or measure on the ballot.))~~

52 B. ~~((Said))~~ The countywide pamphlet shall include:

53 ~~((A.))~~ 1. All King County elective offices and ballot measures~~((:))~~;

54 ~~((B.))~~ 2. Elective offices and ballot measures of all cities, towns~~((:))~~ and special
55 taxing districts located entirely within King County, ~~((which are to appear on the ballot~~
56 ~~for which the voters' pamphlet is prepared))~~ unless specifically exempted by the council
57 as provided by RCW ~~((29.81A.020(2))~~ 29A.32.220(2)~~((:))~~; and

58 ~~((C.))~~ 3. Elective offices and ballot measures of ~~((C))~~ cities, towns~~((:))~~ or special
59 taxing districts located partly within King County and partly within another county, if
60 ~~((the counties have entered into an interlocal agreement pursuant to RCW 29.81A.020(3)~~
61 ~~to permit distribution of each county's voters' pamphlet into those parts of the city, town~~
62 ~~or district located outside of that county))~~ requested by the city, town or special taxing
63 district.

64 C. If a countywide local voters' pamphlet is not published for a special election,
65 publication and distribution of a jurisdiction-specific local voters' pamphlet is authorized
66 if requested by a city, town or special taxing district located wholly or partly within King
67 County.

68 SECTION 4. Ordinance 8113, Sections 2 and 3, as amended, and K.C.C.
69 1.10.020 are each hereby repealed.

70 SECTION 5. Ordinance 8113, Section 4, as amended, and K.C.C. 1.10.030 are
71 each hereby repealed.

72 SECTION 6. Ordinance 8113, Section 5, and K.C.C. 1.10.040 are each hereby
73 amended to read as follows:

74 The cost of a local ~~((voter's))~~ voters' pamphlet shall be considered an election cost
75 to those local jurisdictions included in the pamphlet and shall be prorated in the manner
76 provided in RCW ~~((29.13.045))~~ 29A.04.410.

77 SECTION 7. Ordinance 8113, Section 7, as amended, and K.C.C. 1.10.060 are
78 each hereby amended to read as follows:

79 Any challenge to an explanatory statement prepared or reviewed and approved
80 ~~((pursuant to))~~ under RCW ~~((29A.32.040(3)))~~ 29A.32.241 shall be brought within five
81 days from the filing of ~~((such))~~ the explanatory statement with the department of
82 elections ~~((division))~~. Any ~~((such))~~ challenge shall be brought by ~~((way of))~~ petition in
83 the superior court for King County. The petition shall set forth the text of the explanatory
84 statement~~((s))~~ and the objections ~~((thereto,))~~ to the explanatory statement and shall
85 request the amendment of the text of the explanatory statement. The decision of the
86 superior court shall be final.

87 SECTION 8. Ordinance 8113, Section 8, as amended, and K.C.C. 1.10.070 are
88 each hereby repealed.

89 SECTION 9. Ordinance 884, Section 1, as amended, and K.C.C.1.12.010 are
90 each hereby amended to read as follows:

91 A. The voting precincts of King County are hereby established ~~((pursuant to))~~ as
92 provided in state law and shall be ~~((as described in the attachments to this section which~~
93 ~~are hereby adopted,))~~ adopted by ordinance and ~~((which shall be))~~ retained officially on
94 file in the department of elections.

95 B. An alphanumeric system of identifying voting precincts using a combination
96 of letters and numbers shall be established throughout King County. Those precincts
97 located in unincorporated areas of the county ~~((which))~~ that presently have names shall
98 retain them for public purposes in addition to the alphanumeric designation. Names shall
99 be given only to those new precincts in unincorporated areas of the county ~~((which))~~ that
100 are created from portions of existing named precincts.

101 C. Precincts shall be divided, new precincts created and boundaries of existing
102 precincts altered, as necessary, to implement precinct balancing and to accommodate the
103 incorporation and annexations of unincorporated county areas into incorporated cities
104 ~~((and for the convenience of voters)).~~

105 D. ~~((In balancing precincts, v))~~ Voting precincts may contain as many as nine
106 hundred active registered voters ~~((per))~~ for each individual precinct.

107 E. Proposed revisions to voting precincts, as provided for in this section, shall be
108 submitted to the council for approval by ordinance no later than thirty days before the
109 statutory deadline established in RCW 29A.16.040 of the applicable year. ~~((The proposal~~

110 ~~shall include a replacement for the attachments to this section.))~~ The department of
111 elections shall make available to the public and to the political parties the proposed
112 revisions of voting precincts for a review period of not less than ten days. All public
113 comments received shall be documented and made available upon request. If the director
114 of elections determines that there is good cause to do so, the director may suspend the
115 ten-day public review period, however the director shall immediately notify the chair of
116 the council by letter of the decision to suspend the ten-day review period and the good
117 cause for doing so. Good cause exists, but is not limited to, when there are circumstances
118 involving an unusually large number of revisions to precinct boundaries, such as during
119 years when new federal, state and local electoral districts are drawn or in years following
120 a presidential election.

121 F. The department of elections shall submit to the council concurrently with any
122 proposed revisions to voting precincts, proposed revisions to the King County district
123 court electoral district boundaries (~~(which)~~) that result from the proposed voting precinct
124 revisions, as described in K.C.C. chapter 2.68.

125 SECTION 10. Ordinance 1053, Sections 1 and 2, as amended, and K.C.C.
126 1.12.020 are each hereby repealed.

127 SECTION 11. Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040 are
128 each hereby amended to read as follows:

129 The clerk of the council shall assign a serial number to each initiative measure or
130 referendum petition, using a separate series for each, and forthwith transmit one copy of
131 the measure proposed, bearing its serial number, to the department of elections
132 (~~(division)~~) and the office of the prosecuting attorney. Thereafter a measure shall be

133 known and designated on all petitions, ballots and proceedings as "Initiative Measure
134 No..." or "Referendum Measure No..."

135 SECTION 12. Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050 are
136 each hereby amended to read as follows:

137 Within five days after the filing of an initiative measure or referendum petition
138 with the clerk of the council, the prosecuting attorney shall prepare a ballot title and
139 transmit it to the clerk of the council and the department of elections (~~((division))~~) bearing
140 the serial number of the measure. The ballot title shall be a concise statement in the form
141 of a question containing the essential features of the measure and not exceeding twenty
142 words and may be drafted in common language for greater clarity. The ballot title shall
143 be phrased in language so that a yes vote will clearly be a vote in favor of the action or
144 condition that would result from the approval of the measure, and a no vote will clearly
145 be a vote in opposition to such action or condition. In the case of a referendum to ratify
146 or revoke some prior action, the ballot title may refer directly to the prior action rather
147 than to the ratification or revocation of said action. The ballot title prepared by the
148 prosecuting attorney shall be included in the referendum or initiative petition as provided
149 for in K.C.C. 1.16.070 and 1.16.080

150 SECTION 13. Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060 are
151 each hereby amended to read as follows:

152 Upon the filing by the prosecuting attorney of the ballot title for an initiative or
153 referendum measure in that office, the department of elections (~~((division))~~) shall
154 (~~((forthwith))~~) promptly notify the person(~~((s))~~) proposing the measure, by mail, of the exact

155 language ~~((thereof))~~ of the ballot title. ~~((Thereafter, such))~~ After the notification, the
156 ballot title shall be the title of the measure in all proceedings in relation ~~((thereto))~~ to it.

157 SECTION 14. Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100 are
158 each hereby amended to read as follows:

159 ~~((A.))~~ When petitions for initiative or referendum action are filed with the
160 ~~((county))~~ council, the department of elections ~~((division))~~ shall proceed to canvass and
161 count the names of the legal voters on the initiative or referendum~~((The division may~~
162 ~~use any))~~ using the random sampling statistical ~~((sampling techniques for this canvass~~
163 ~~that have been approved))~~ procedure authorized by ~~((the county council))~~ WAC 434-379-
164 010. However, ~~((no))~~ a petition shall not be rejected on the basis of any statistical
165 method employed~~((and no petition shall be accepted on the basis of any statistical~~
166 ~~method employed if that method indicates that the petition contains fewer than the~~
167 ~~requisite number of signatures of legal voters))~~. If the ~~((division))~~ department finds the
168 same name signed to more than one petition, it shall count only the first valid signature
169 and shall reject all subsequent instances of the signature of the same person on the
170 petition. After the petitions are processed, the ~~((division))~~ department shall transmit a
171 certified copy of the facts relating to the filing of the petition and the canvass to the
172 ~~((county))~~ council.

173 ~~((B. In the verification of signatures on initiative and referendum petitions, the~~
174 ~~elections division shall use the random sampling statistical procedure as authorized by~~
175 ~~WAC 434-379-010.))~~

176 SECTION 15. Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020 are
177 each hereby amended to read as follows:

178 For the purpose of this chapter the following definitions are adopted:

179 A.1. To "alter" means to cause alteration. "Alteration" ((is)) means any change to
180 a referendum or initiative petition ((which)) that occurs between the time the form and
181 language of the petition are approved by the clerk of the council and the time when
182 signed petitions are returned to the clerk, with the exception of:

183 a. ((~~F~~))the signatures and other information required of the petition signers;

184 and

185 b. ((~~N~~))normal wear and tear, so long as such wear and tear does not prevent
186 one from reading all of the approved language on the petition.

187 2. The following are representative examples of alteration:

188 a. ((~~F~~))the addition of any unapproved language, either printed or handwritten;

189 b. ((~~F~~))the crossing-out, covering or obscuring of approved language;

190 c. ((~~F~~))the underlining or highlighting of any words or part of the petition; and

191 d. ((~~F~~))the physical attachment to the petition by any means - for example, by
192 stapling, taping, gluing, or clipping - of any unapproved document.

193 3. Alteration is either permanent, that is, observable at the time the signed
194 petitions are returned to the clerk of the council; or temporary, that is, occurring at any
195 time during the solicitation of signatures for the petition but no((~~t~~)) longer observable
196 when the signed petitions are returned to the clerk of the council.

197 B. The ((~~"canvassing")~~) petition review board((~~"~~)) shall consist of the executive,
198 the ((~~manager~~)) director of the department of elections ((~~division~~)) and the prosecuting
199 attorney, or their respective designees. The powers and duties of the ((~~canvassing~~))

200 petition review board as set forth in this chapter are independent of any powers and duties
201 created by ~~((Title 29A RCW or))~~ any ~~((other))~~ state statute.

202 SECTION 16. Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050 are
203 each hereby amended to read as follows:

204 When signed petitions are filed with the council ~~((pursuant to))~~ under K.C.C.
205 1.16.100, the clerk of the council shall examine the petitions to determine whether they
206 have been permanently altered. Any altered petition~~((s))~~ shall be retained by the clerk
207 and not transmitted to the department of elections ~~((division))~~ for canvassing and
208 counting. The clerk shall notify the petition sponsor or sponsors of this action and shall
209 make the altered petitions available for inspection. The department of elections
210 ~~((division))~~ shall incorporate the fact that altered petitions were not counted in its
211 certified copy of the facts filed ~~((pursuant to))~~ under K.C.C. 1.16.100.

212 SECTION 17. Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060 are
213 each hereby amended to read as follows:

214 Before the department of elections ~~((division))~~ certifies the facts relating to the
215 filing and canvass of an initiative petition ~~((pursuant to))~~ under K.C.C. 1.16.100, or
216 before the expiration of forty-five days after enactment of the ordinance which is the
217 subject of a referendum petition, a registered voter may allege that petitions have been
218 temporarily altered. This allegation shall be made by filing with the clerk of the council
219 an affidavit ~~((which))~~ that states the factual basis for the allegation. The clerk of the
220 council shall transmit a copy of the affidavit to the ~~((elections division))~~ department,
221 which shall proceed to count and canvass the names of the legal voters on the petitions
222 transmitted to it by the clerk of the council. If the number of signatures ~~((which))~~ that

223 would be valid if obtained on unaltered petitions is insufficient to satisfy the requirements
224 of Section 230.40 or 230.50 of the King County Charter, then the ~~((elections division))~~
225 department shall certify the facts relating to the filing and canvass of the petition
226 ~~((pursuant to))~~ as set forth in K.C.C. 1.16.100. If the number of signatures which would
227 be valid if obtained on unaltered petitions satisfies the requirements of Section 230.40 or
228 230.50 of the King County Charter, then the ~~((elections division))~~ department shall
229 transmit to the members of the ~~((canvassing))~~ petition review board both its count of the
230 signatures and a copy of the affidavit alleging alteration.

231 SECTION 18. Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070 are
232 each hereby amended to read as follows:

233 The members of the ~~((canvassing))~~ petition review board, upon receipt from the
234 department of elections ~~((division))~~ of an affidavit alleging temporary alteration and a
235 count of the signatures ~~((which))~~ that would be valid if obtained on unaltered petitions,
236 shall convene a fact-finding hearing as follows:

237 A. The ~~((canvassing))~~ petition review board shall determine whether temporary
238 alteration took place as alleged, and, if so, shall determine whether the number of
239 signatures invalidated by alteration reduces the number of signatures that can be counted
240 below the requirements of Section 230.40 or 230.50 of the King County Charter.

241 B. The members of the ~~((canvassing))~~ petition review board must agree
242 unanimously in order to invalidate signatures ~~((pursuant to))~~ under K.C.C. 1.18.040.

243 C. The parties to the hearing shall be the petition ~~((challenger or))~~ challengers
244 and petition ~~((sponsor or))~~ sponsors. The petition ~~((challenger or))~~ challengers shall have

245 the burden of proving the fact, nature and extent of the alteration by a preponderance of
246 the evidence.

247 D. The hearing shall be electronically recorded.

248 E. The hearing shall commence no later than three days after the affidavit
249 ~~((which))~~ that alleges alteration and the count of signatures is transmitted to the members
250 of the ~~((canvassing))~~ petition review board, unless both the petition ~~((challenger or))~~
251 challengers and petition ~~((sponsor or))~~ sponsors agree upon a later date.

252 F. The prosecuting attorney or the prosecuting attorney's designee shall be
253 responsible for scheduling the hearing, for giving timely notice of ~~((its))~~ the hearing date
254 to the petition ~~((challenger or))~~ challengers and petition ~~((sponsor or))~~ sponsors~~((;))~~ and
255 for making procedural rulings during the hearing. These procedural decisions of the
256 prosecuting attorney or the prosecuting attorney's designee shall be subject to
257 modification by majority vote of the ~~((canvassing))~~ petition review board.

258 G. The ~~((canvassing))~~ petition review board shall transmit its findings to the
259 ~~((elections division))~~ department, which shall incorporate the findings into the certified
260 copy of the facts filed ~~((pursuant to))~~ as set forth in K.C.C. 1.16.100

261 SECTION 19. Ordinance 8024, Section 8, as amended, and K.C.C. 1.18.080 are
262 each hereby amended to read as follows:

263 The decision of the clerk of the council regarding permanent alteration and the
264 decision of the ~~((canvassing))~~ petition review board regarding temporary alteration shall
265 be final unless an aggrieved petition challenger or sponsor both applies for a writ of
266 certiorari with the superior court and serves a copy of the writ application on the clerk of

267 the council within ten calendar days of the date the department of elections (~~(division)~~)
268 files a certified copy of the facts (~~(pursuant to)~~) under K.C.C. 1.16.100.

269 SECTION 20. K.C.C. 1.18.100 is hereby decodified.

270 SECTION 21. Ordinance 17210, Section 1, and K.C.C. 2.18.100 are each hereby
271 amended to read as follows:

272 A. The director of elections shall, each year, provide to the county council a
273 report that contains information on elections. The report shall include:

274 1. Detailed costs of conducting and administering special, primary and general
275 elections in the county. The format for this information shall be the same as the
276 department of elections uses to tabulate costs for which it invoices jurisdictions for the
277 costs of running and administering elections. The time series for the cost of elections
278 shall be the most-recent ten years of data ending with a general election;

279 2. Voter turnout data for the most-recent ten years for all special, primary and
280 general elections. The turnout data shall include the number of voters credited with
281 voting as well as the percentage of active registered voters who were credited with
282 voting; (~~and~~)

283 3. Accuracy data as measured by ballot reconciliation figures including, but not
284 limited to, those required by Washington state law to be reported to the Secretary of
285 State. The time series for the accuracy data shall begin with the general election of 2005
286 and continue until there is a decade of data. When there is more than ten years of
287 accuracy data, only the most-recent ten years shall be reported(~~(-)~~);

288 4. Information about voters' pamphlets, including the overall costs and costs to
289 participating jurisdictions, level of local participation, impacts on election turnout,

290 reception of the pamphlet by voters and participants and any other information necessary
291 to an analysis of the program by the council; and

292 5. Information about developing trends in the elections department, which
293 incorporates ongoing reforms (~~(, and whereby staff and management are continuously~~
294 looking for improvements to the administration of elections operations)) and continuous
295 improvement programs.

296 B. The director of elections shall transmit to the council the report required by
297 subsection A. of this section by March 31 of each year, filed in the form of a paper
298 original and an electronic copy with the clerk of the council, who shall retain the original
299 and provide an electronic copy to all councilmembers and the lead staff for the
300 government accountability and oversight committee or its successor.

301 SECTION 22. Ordinance 12075, Section 8, as amended, and K.C.C. 2.36.030 are
302 each hereby amended to read as follows:

303 A. As prescribed by RCW 3.38.010, there is established a justice court districting
304 committee within King County with membership composed of the following:

- 305 1. A judge of the superior court selected by the judges of that court;
- 306 2. The prosecuting attorney or a deputy selected by him/her;
- 307 3. A practicing lawyer of the county selected by the president of the King
308 County Bar Association;
- 309 4. A judge of an inferior court of the county selected by the president of the
310 Washington State Magistrates Association; and
- 311 5. The mayor, or the mayor's representative, of each first, second and third class
312 city of the county;

313 6. One person to represent the fourth class cities of the county, to be designated
314 by the President of the Association of Washington Cities;

315 7. The executive; and

316 8. The ~~((county manager of the division))~~ director of elections.

317 B. Duties of the committee and standards for districting shall be as prescribed in
318 chapter 3.38 RCW.

319 SECTION 23. Ordinance 15453, Section 4, as amended, and K.C.C. 2.53.031 are
320 each hereby amended to read as follows:

321 The mission of the committee is to help King County restore and maintain public
322 confidence in elections. The committee shall make recommendations to the council to:

323 A. Improve performance of the elections division; and

324 B. Help ensure that accountability and performance of the department of
325 elections ~~((division))~~ is provided in a transparent manner that is meaningful to the
326 residents of King County.

327 SECTION 24. Ordinance 15453, Section 6, as amended, and K.C.C. 2.53.051 are
328 each hereby amended to read as follows:

329 A. The council shall provide for appropriate staffing of the committee.

330 B. County staff in the department of executive services and the department of
331 elections ~~((division))~~ shall provide information requested by the committee in a timely
332 manner.

333 C. By March 31, 2009, the citizens' elections oversight committee shall evaluate
334 the extent to which county elections operations have changed or improved over the
335 previous four years and whether there is a need for an ongoing elections oversight

336 committee. This evaluation shall be submitted to the clerk of the council. The council
337 shall then make its own determination on the need for an ongoing elections oversight
338 committee.

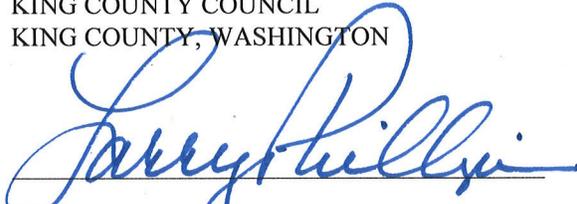
339 SECTION 25. Severability. If any provision of this ordinance or its application

340 to any person or circumstance is held invalid, the remainder of the ordinance or the
341 application of the provision to other persons or circumstances is not affected.
342

Ordinance 18167 was introduced on 7/13/2015 and passed by the Metropolitan King
County Council on 11/23/2015, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Lambert,
Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 2 - Ms. Hague and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 1th day of December, 2015.



Dow Constantine, County Executive

RE:
2015 DEC -4 PM 2:57
CLERK
KING COUNTY COUNCIL

Attachments: None