



Legislation Text

File #: 2008-0607, **Version:** 1

Clerk 10/30/2008

AN ORDINANCE implementing charter review commission provisions regarding charter amendments by citizen initiative, establishing establish deadlines and procedures for charter amendments by citizen initiative; and amending Ordinance 159, Section 1, as amended, and K.C.C. 1.16.010, Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040, Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050, Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060, Ordinance 159, Section 7, as amended, and K.C.C. 1.16.070, Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080, Ordinance 159, Section 9, and K.C.C. 1.16.090, Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100, Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020, Ordinance 8024, Section 3, and K.C.C. 1.18.030, Ordinance 8024, Section 4, and K.C.C. 1.18.040, Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060, Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070 and Ordinance 8024, Section 9, and K.C.C. 1.18.090 Ordinance adding a new section to K.C.C. chapter 1.16 and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 159, Section 1, as amended, and K.C.C. 1.16.010 are each hereby amended to read as follows:

Persons proposing initiatives ~~((measures))~~, referenda or charter amendments by citizen initiative may,

after compliance with ~~((Sections))~~ K.C.C. 1.16.040, 1.16.050 and 1.16.060, prepare blank petitions and cause them to be printed upon single sheets of good-quality white paper ~~((of good-quality, nine and one half))~~ eight and one-half inches in width and ~~((thirteen))~~ fourteen inches in length, or eight and one-half inches in width and eleven inches in length, with a margin of one and three-quarters inches at the top for binding. Each petition shall consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed title and form of petition on each sheet, and ~~((, if appropriate under Section 1.16.080,))~~ a full, true and correct copy of the ~~((proposed))~~ measure referred to therein printed on the reverse side of the petition or on sheets of paper of like size and quality as the petition, firmly fastened together; provided, whenever possible, every proposed petition for an initiative~~((or))~~, referendum ~~((petition proposed))~~ or charter amendment by citizen initiative shall be phrased in affirmative language so that a yes vote will clearly be a vote in favor of the proposition and a no vote will clearly be a vote in opposition to the proposition.

SECTION 2. Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040 are each hereby amended to read as follows:

The clerk of the council shall assign a serial number to each petition for an initiative ~~((measure or))~~, referendum ~~((petition))~~ or charter amendment by citizen initiative, using a separate series for each, and forthwith transmit one copy of the measure proposed, bearing its serial number, to the elections division and the office of the prosecuting attorney. Thereafter a measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No" ~~((or))~~ "Referendum Measure No" or "Charter Amendment by Citizen Initiative No"

SECTION 3. Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050 are each hereby amended to read as follows:

Within five days after the filing of ~~((an))~~ a petition for an initiative ~~((measure or))~~, referendum ~~((petition))~~ or charter amendment by citizen initiative with the clerk of the council, the prosecuting attorney shall prepare a ballot title and transmit it to the clerk of the council and the elections division bearing the serial number of the

measure. The ballot title shall be a concise statement in the form of a question containing the essential features of the measure and not exceeding twenty words and may be drafted in common language for greater clarity. The ballot title shall be phrased in language so that a yes vote will clearly be a vote in favor of the action or condition that would result from the approval of the measure, and a no vote will clearly be a vote in opposition to such action or condition. In the case of a referendum to ratify or revoke some prior action, the ballot title may refer directly to the prior action rather than to the ratification or revocation of said action. The ballot title prepared by the prosecuting attorney shall be included in the petition for an initiative, referendum or ~~((initiative petition))~~ charter amendment by citizen initiative as provided for in K.C.C. 1.16.070, ~~((and))~~ 1.16.080 and 1.16.085.

SECTION 4. Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060 are each hereby amended to read as follows:

Upon the filing by the prosecuting attorney of the ballot title for an initiative ~~((or))~~, referendum ~~((measure in that office, the Records and))~~ or charter amendment by citizen initiative with the ~~((E))~~ elections division, the clerk of the council shall forthwith notify the persons proposing the measure, by mail, of the exact language thereof. Thereafter, such ballot title shall be the title of the measure in all proceedings in relation thereto.

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

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

"WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or who signs this petition when he or she is not a legal voter, or who

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

PETITION FOR REFERENDUM

To the Clerk of the King County Council, King County, Washington: We, the undersigned citizens of King County, State of Washington and legal voters of the respective precincts set opposite our names, respectfully order and direct that Referendum Measure No, entitled (here set forth the title of the ordinance) being an ordinance passed by the King County Council on the day of ((19))20 , and which would appear on the ballot in the following form:

(ballot title prepared by the prosecuting attorney)

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

Petitioner's Signature	Petitioner's Printed Name	Residence Address Street and Number (if any)	City or Town	Precinct Name or Number (if known)
1.				
2.				
3.				
4. insrsid5073193."				

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

read as follows:

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

"WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs

more than one of these petitions, or who signs this petition when he or she is not a legal voter, or who makes herein any false statement, shall be punished as provided by law.

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

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

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

(ballot title prepared by the prosecuting attorney)

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

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

NEW SECTION. SECTION 8. A new section is hereby added to K.C.C. chapter 1.16 to read as

follows:

Petitions for charter amendments by citizen initiative, as provided in Section 800.20 of the King County

Charter, shall be substantially in the following form:

"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 who signs this petition when he or she is not a legal voter, or who makes herein any false statement, shall be punished as provided by law.

CHARTER AMENDMENT BY CITIZEN INITIATIVE

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

We, the undersigned citizens of King County, State of Washington, and legal voters of the respective precincts set opposite our names, respectfully order and direct that Charter Amendment by Citizen Initiative No., and which would appear on the ballot in the following form:

(ballot title prepared by the prosecuting attorney)

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

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

SECTION 8. Ordinance 159, Section 9, and K.C.C. 1.16.090 are each hereby amended to read as

follows:

Every person who signs a petition for an initiative (~~((or))~~), referendum (~~((petition))~~) or charter amendment

by citizen initiative with ~~((any))~~ other than his or her true name, or who knowingly signs more than one petition for the same initiative~~((or))~~, referendum ~~((measure))~~ or charter amendment by citizen initiative, or who signs such a petition knowing that he or she is not a legal voter, or who makes a false statement as to his or her residence on any petition for an initiative ~~((or))~~, referendum~~((petition))~~ or charter amendment by citizen initiative, is guilty of a misdemeanor and shall be punished as provided by the laws of the state of Washington.

SECTION 9. Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100 are each hereby amended to read as follows:

A. When a petition~~((s))~~ for an initiative ~~((or))~~, referendum or charter amendment by citizen initiative action ~~((are))~~ is filed with the county council, the elections division shall proceed to canvass and count the names of the legal voters on the ~~((initiative or referendum))~~ petition. The division may use any statistical sampling techniques for this canvass that have been approved by the county council. However, no petition shall be rejected on the basis of any statistical method employed and no petition shall be accepted on the basis of any statistical method employed if that method indicates that the petition contains fewer than the requisite number of signatures of legal voters. If the division finds the same name signed to more than one petition, it shall count only the first valid signature and shall reject all subsequent instances of the signature of the same person on the petition. After the petitions are processed, the division shall transmit a certified copy of the facts relating to the filing of the petition and the canvass to the county council.

B. In the verification of signatures on petitions for an initiative ~~((and))~~ referendum ~~((petitions))~~ or charter amendment by citizen initiative, the division shall use the random sampling statistical procedure as authorized by WAC 434-379-010.

SECTION 10. Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020 are each hereby amended to read as follows:

~~((For the purpose of this chapter the following definitions are adopted:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

- a. (~~((F))~~)the signatures and other information required of the petition signers;
- b. (~~((N))~~)normal wear and tear, so long as such wear and tear does not prevent one from reading all of the approved language on the petition.

2. The following are representative examples of alteration:

- a. (~~((F))~~)the addition of any unapproved language, either printed or handwritten;
- b. (~~((F))~~)the crossing-out, covering or obscuring of approved language;
- c. (~~((F))~~)the underlining or highlighting of any words or part of the petition;
- d. (~~((F))~~)the physical attachment to the petition by any means - for example, by stapling, taping, gluing, or clipping - of any unapproved document.

3. Alteration is either permanent, that is, observable at the time the signed petitions are returned to the clerk of the council; or temporary, that is, occurring at any time during the solicitation of signatures for the petition but not longer observable when the signed petitions are returned to the clerk of the council.

B. The "canvassing board" shall consist of the executive, the manager of the elections division and the prosecuting attorney, or their respective designees. The powers and duties of the canvassing board as set forth in this chapter are independent of any powers and duties created by Title 29A RCW or any other state statute.

SECTION 11. Ordinance 8024, Section 3, and K.C.C. 1.18.030 are each hereby amended to read as follows:

No petition for a referendum (~~((or~~)), initiative (~~((petition))~~) or charter amendment by citizen initiative shall be distributed to the public for solicitation of signatures until a sample petition, in the form required by K.C.C.1.16.070(~~((or~~)), K.C.C. 1.16.080 or-section 8 of this ordinance, has been submitted to and approved by

the clerk of the council. ~~((This))~~ The sample petition shall either be one of the printed petitions or a galley proof or other accurate specimen of the printed petition. The clerk shall retain ~~((this))~~ the sample petition for comparison with the signed petitions later filed for counting and canvassing of signatures.

SECTION 12. Ordinance 8024, Section 4, and K.C.C. 1.18.040 are each hereby amended to read as follows:

All signatures on any petition which has been temporarily or permanently altered shall be invalid and shall not count towards the number of signatures needed to satisfy ~~((the requirements of King County Charter))~~ Section 230.40 ~~((or)),~~ 230.50 or 800.20 of the King County Charter.

SECTION 13. Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060 are each hereby amended to read as follows:

Before the elections division certifies the facts relating to the filing and canvass of petitions for an initiative ~~((petition pursuant to K.C.C. 1.16.100))~~ or charter amendment by citizen initiative, or before the expiration of forty-five days after enactment of the ordinance which is the subject of a referendum petition, a registered voter may allege that petitions have been temporarily altered. ~~((This))~~ The allegation shall be made by filing with the clerk of the council an affidavit which states the factual basis for the allegation. The clerk of the council shall transmit a copy of the affidavit to the elections division, which shall proceed to count and canvass the names of the legal voters on the petitions transmitted to it by the clerk of the council. If the number of signatures ~~((which))~~ that would be valid if obtained on unaltered petitions is insufficient to satisfy ~~((the requirements of))~~ Section 230.40 ~~((or)),~~ 230.50 or 800.20 of the King County Charter, then the elections division shall certify the facts relating to the filing and canvass of the petition pursuant to K.C.C. 1.16.100. If the number of signatures which would be valid if obtained on unaltered petitions satisfies the requirements of Section 230.40 ~~((or)),~~ 230.50 or 800.20 of the King County Charter, then the elections division shall transmit to the members of the canvassing board both its count of the signatures and a copy of the affidavit alleging alteration.

SECTION 14. Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070 are each hereby amended to read as follows:

The members of the canvassing board, upon receipt from the elections division of an affidavit alleging temporary alteration and a count of the signatures which would be valid if obtained on unaltered petitions, shall convene a fact-finding hearing as follows:

A. The canvassing board shall determine whether temporary alteration took place as alleged, and, if so, shall determine whether the number of signatures invalidated by alteration reduces the number of signatures that can be counted below the requirements of Section 230.40 ((~~or~~)), 230.50 or 800.20 of the King County Charter.

B. The members of the canvassing board must agree unanimously in order to invalidate signatures pursuant to K.C.C. 1.18.040.

C. The parties to the hearing shall be the petition challenger or challengers and the petition sponsor or sponsors. The petition challenger or challengers shall have the burden of proving the fact, nature and extent of the alteration by a preponderance of the evidence.

D. The hearing shall be electronically recorded.

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

F. The prosecuting attorney or the prosecuting attorney's designee shall be responsible for scheduling the hearing, for giving timely notice of its date to the petition challenger or challengers and petition sponsor or sponsors, and for making procedural rulings during the hearing. These procedural decisions of the prosecuting attorney or the prosecuting attorney's designee shall be subject to modification by majority vote of the canvassing board.

G. The canvassing board shall transmit its findings to the elections division, which shall incorporate the

findings into the certified copy of the facts filed pursuant to K.C.C. 1.16.100.

SECTION 15. Ordinance 8024, Section 9, and K.C.C. 1.18.090 are each hereby amended to read as follows:

Any person who, intentionally and maliciously, alters a petition for a referendum ~~((~~or~~))~~, initiative ~~((~~petition~~))~~ or charter amendment by citizen initiative or who distributes an altered petition for a referendum ~~((~~or~~))~~, initiative ~~((~~petition~~))~~ or charter amendment by citizen initiative shall be guilty of a misdemeanor and shall be punished as provided by the laws of the ~~((~~S~~))~~state of Washington. The act of intentionally altering a petition shall be a separate crime for each petition so altered. For purposes of this section, one acts intentionally if one acts with the culpability defined in RCW 9A.08.010(1)(a), and one acts maliciously if one acts with the culpability defined in RCW 9A.04.110(12), as those sections now exist or are hereafter amended.

SECTION 16. This ordinance takes effect ten days following and only upon the certification by the elections division manager of voter approval in November 2008 of the

proposed amendment to section 800 of the King County Charter, establishing a process for charter amendments by citizen initiative.