

PROPOSED BY: BROWNE, DONOVAN, BUCHANAN
INTRODUCTION DATE: May 4, 2021

ORDINANCE NO. _____

**SUBMITTING TO THE QUALIFIED VOTERS OF WHATCOM COUNTY A PROPOSAL TO
AMEND WHATCOM COUNTY CHARTER SECTIONS 5.40 AND 5.41 TO ALIGN
SIGNATURE REQUIREMENTS FOR CITIZEN INITIATIVES WITH WASHINGTON
STATE NORMS**

WHEREAS, Washington State secures the right of citizens to make and remake their laws, to petition to place laws directly on the ballot for other voters; and

WHEREAS, RCW 29A.72.160 states that persons proposing any initiative measure must obtain signatures of legal voters equal to or exceeding eight percent of the votes cast for the office of governor at the last regular gubernatorial election; and

WHEREAS, the Whatcom County Charter Section 5.40, Initiatives – Procedure, states that “Any legal voter or organization of legal voters of Whatcom County may file an initiative proposal with the County Auditor ... The petitioner then has one hundred and twenty (120) days to collect the signatures of the registered voters in the county equal in number to not less than eight (8) percent of the vote cast in the county in the last regular gubernatorial election”; and

WHEREAS, the Whatcom County Charter Section 5.41, Mini-Initiative, states that “Any ordinance or amendment to an existing ordinance may be proposed to the County Council by registering with the Auditor initiative petitions bearing the signatures of qualified voters equal in number to not less than three (3) percent of the number of votes cast in the county in the last gubernatorial election”; and

WHEREAS, the norm in Washington State is to use the percentage of votes cast for the highest executive office of the entity to which the initiative petition is addressed. For statewide initiatives that means the latest gubernatorial race, for county initiatives the latest county executive race, for city initiatives, the latest mayoral race; and

WHEREAS, all First-Class Cities in Washington State (including Bellingham) use the percentage of votes cast in the most recent mayoral race, as do all other cities where initiatives are permitted; and

WHEREAS, of the four counties with county executive-council charters the largest two (King and Pierce) use percentage of votes cast in the most recent county executive race, leaving Snohomish as the only other county using the gubernatorial vote; and

WHEREAS, gubernatorial and county elections are held in different years, with far higher turnout in gubernatorial elections (137,935 votes cast for governor in 2020, vs. 80,734 votes cast for county executive in 2019), making gubernatorial turnout a vastly disproportionate standard for county initiatives; and

WHEREAS, the Whatcom County Charter sets a higher bar than other local governments in Washington State; and

WHEREAS, the Whatcom County Council supports the right of citizens to make and remake their laws and to petition to place initiatives directly on the ballot for other voters to consider; and

WHEREAS, the Whatcom County Council does not wish to unduly burden citizens who wish to exercise their rights to propose initiatives.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the County Auditor place on the November 2021 general election ballot a charter amendment that persons proposing an initiative must "collect the signatures of the registered voters in the county equal in number to not less than eight (8) percent of the vote cast in the county in the last regular county executive election," and the requirement for a mini-initiative be "the signatures of qualified voters equal in number to not less than three (3) percent of the number of votes cast in the county in the last county executive election." The changes would amend Section 5.40 and Section 5.41 of the County Charter as shown in Exhibit A.

ADOPTED this _____ day of _____ 2021.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Approved by Karen Frakes via email/LB

Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

EXHIBIT A

Section 5.40 Initiative – Procedures.

Any legal voter or organization of legal voters of Whatcom County may file an initiative proposal with the County Auditor, who within five (5) days, excluding Saturday, Sunday and holidays, shall confer with the petitioner to review the proposal as to form and style. The Auditor shall give the proposed initiative a number, which shall thereafter be the identifying number for the measure. The Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate the ballot title which shall consist of: (a) a statement of the subject of the measure; (b) a concise description of the measure; and (c) a question: "Shall this be enacted into law?" The statement of the subject of the measure must be proposed as a positive statement, be sufficiently broad to reflect the subject, and be sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure. Such concise statement will be the ballot title. The petitioner then has one hundred and twenty (120) days to collect the signatures of the registered voters in the county equal in number to not less than eight (8) percent of the vote cast in the county in the last regular gubernatorial-county executive election. The one hundred and twenty (120) day period shall begin upon receipt of official notification to petitioner(s) by the Prosecuting Attorney's Office either by certified mail or messenger. If the last day for collecting signatures falls on a weekend or legal holiday, then the one hundred and twenty (120) day period shall extend to the end of the next business day.

Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petition, unless the County Council enacts the proposal without change or amendment. If the County Council does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter, the substitute proposal shall be placed on the same ballot with the initiative proposal; and the voters shall be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of those voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue. (Amended by referendum 1986; Amended by Ord. 93-046 (part); Amended by referendum 1995; Amended by referendum 2015).

Section 5.41 Mini-Initiative.

Any ordinance or amendment to an existing ordinance may be proposed to the County Council by registering with the Auditor initiative petitions bearing the signatures of qualified voters equal in number to not less than three (3) percent of the number of votes cast in the county in the last gubernatorial-county executive election. Upon verifying the sufficiency of the signatures, the Auditor shall transmit the initiative petition to the Council which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within sixty (60) days.