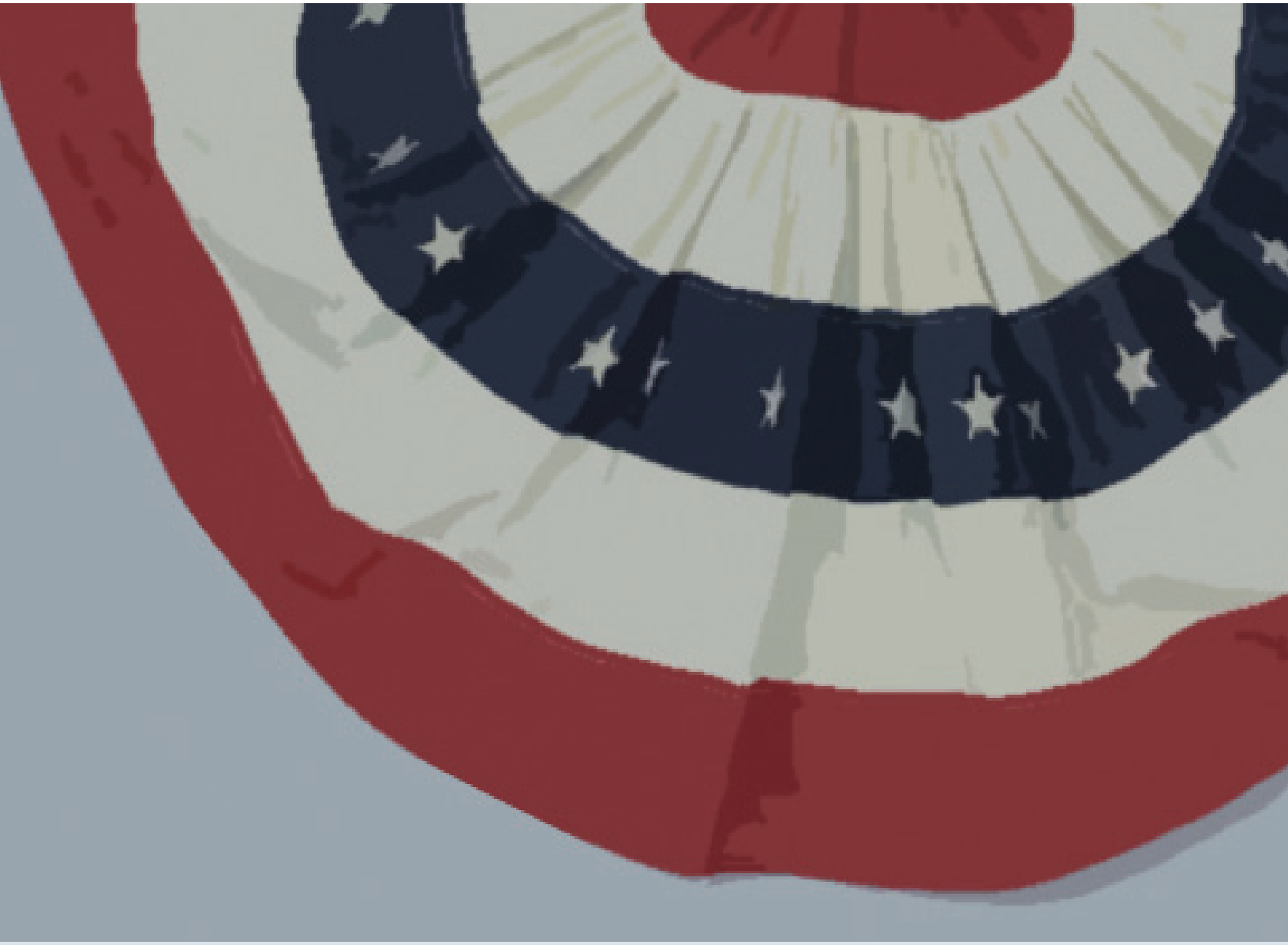
State of Washington
& San Juan County

Voters' Pamphlet

November 6, 2012 General Election



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A Message from Secretary of State Sam Reed

As I prepare to leave public service after 12 years as your Secretary of State and 45 years in government, I extend my warmest thanks for the great opportunity to serve you and this tremendous state. It has been an honor.

Together, over the past decade, we have reformed our election system and made it fair, accessible, accurate and secure. In the aftermath of the 2004 governor's race, the closest in U.S. history, we established a statewide database of registered voters, online voter registration and candidate filing, and a thousand other upgrades to the integrity of the election system.

We successfully defended the people's right to an open Top 2 Primary system and have advocated for broader participation in our elections by people with disabilities, citizens whose understanding of English is limited, and those who serve in our military or live abroad. One of my favorite projects has been an annual tour of our college campuses to encourage our inspiring and talented young people. This work of reform and outreach never ends.

Likewise, we are working together to champion civility in government and in our public dialogue, to promote civic engagement and civic education. This is the work of all of us.

As I reminisce over the last 12 years, I am proud that we, together, saved the State Library, created the nation's first Digital Archives, improved customer service at the Corporations and Charities Division, welcomed the Combined Fund Drive and Domestic Partnership Registry into our office, protected crime victims with our Address Confidentiality Program, created a Corporations for Communities Award program, championed heritage and oral history through a new Heritage Center, advocated for open and transparent government, and promoted international trade and friendship.

This year we celebrate 100 years of legislation by petition, the centennial year of our initiative and referendum process. Our populist system is more robust than ever with six ballot measures and two advisory votes for your decision. Likewise, you have been asked to vote for President; U.S. Senate; and nine statewide elected officials, including open races for Governor, Secretary of State, Attorney General and Auditor. Ten congressional seats, including the newly awarded 10th District; the Legislature; the courts; and many important local offices and issues will be determined by voters this year.

In closing, my request is that you take seriously your privilege and responsibility to vote. It's your voice. We face so many important choices that will affect our country, state and local communities for years to come. It has never been more important to vote and take part in forging our future together.

Best wishes,

Sam Reed

Voter Information Hotline (800) 448-4881

Visit our online Voters' Guide at **www.vote.wa.gov.**

November 6, 2012 General Election

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Voting in Washington State

Voter qualifications

To register to vote, you must be:

- A citizen of the United States;
- A legal resident of Washington State;
- At least 18 years old by Election Day;
- Not under the authority of the Department of Corrections; and
- Not disqualified due to a court order.

Voter registration

You may register to vote at **www.myvote.wa.gov**. In Washington State, you do not declare political party affiliation when you register to vote. There are registration deadlines prior to each election. You must update your registration if you move or change your name. You do not need to register before each election.

Replacement ballots

Call your county elections department to request a replacement ballot.

Contact your county elections department

Contact your county elections department for questions about your voter registration, or assistance with your ballot. The phone number and address of your county elections department is located in the back of this pamphlet.

Accessible and alternative language pamphlets

Contact the Office of the Secretary of State for voters' pamphlets in accessible formats or Spanish, Chinese and Vietnamese. The state Voter Information Hotline is (800) 448-4881.

Visit a voting center

Washington voters receive their ballots in the mail. Voting centers are open to serve you during regular business hours beginning 18 days before Election Day and until 8 p.m. on Election Day.

Voter registration materials, ballots, provisional ballots, sample ballots, instructions for how to vote, and a ballot drop box are available.

Voting centers must be accessible for voters with disabilities and offer accessible voting options.

To locate a voting center near you, contact your county elections department. The phone number and address of your county elections department is located in the back of this pamphlet.

Restoring your right to vote after felony conviction

If you were convicted in Washington State Superior Court, your right to vote is restored as long as you are not either in prison or on community custody for that felony with the Washington State Department of Corrections.

If you were convicted in another state or in federal court, your right to vote is restored as long as you are not currently incarcerated for that felony. You must register to vote.

View election results

View election results at **www.vote.wa.gov** after 8 p.m. on Election Day.

Accessible pamphlets available

Visit **www.vote.wa.gov/accessibility** for

Audio

Plain text

Call **(800) 448-4881** to request audio on a

CD

USB drive

Language assistance available

se habla español 中國口語 *Việt Nam được nói*

The federal Voting Rights Act requires the Office of the Secretary of State and four counties in Washington to provide translated elections materials. Currently Adams, Franklin and Yakima counties provide elections materials in Spanish. King County provides elections materials in Chinese and Vietnamese.

For more information visit
Para más información visite
欲知詳情，請上網
Để biết thêm thông tin ghé

www.vote.wa.gov
(800) 448-4881

The Ballot Measure Process

The Washington State Constitution gives voters two methods of legislative power — the initiative and the referendum.

While differing in process, both initiatives and referenda leave ultimate legislative authority in the hands of the people.

The Initiative

Any registered voter may propose an initiative to create a new state law or to amend or repeal an existing law.

Initiatives to the People are submitted for a vote of the people at the next state general election, if certified to have sufficient signatures.

Initiatives to the Legislature are submitted to the Legislature at its regular session in January, if certified to have sufficient signatures.

A **yes** vote will make an initiative law.

A **no** vote will prevent an initiative from becoming law.

For an initiative to appear on the ballot, the sponsor must circulate the complete text of the proposal among voters and obtain a number of voters' signatures equal to **8 percent** of the total number of votes cast for the office of Governor at the last regular gubernatorial election.

Initiative measures appearing on the ballot require a simple majority vote to become law (except for gambling or lottery measures, which require 60 percent approval).

The Referendum

Any registered voter may demand that a law proposed by the Legislature be referred to voters prior to taking effect.

Referendum Bills are proposed laws referred to voters by the Legislature.

Referendum Measures are laws recently passed by the Legislature that voters have demanded, by petition, be referred to voters prior to taking effect.

A vote to **approve** will confirm the law.

A vote to **reject** will repeal the law.

For a referendum to appear on the ballot, the sponsor must circulate among voters the text of the legislative act, and obtain a number of voters' signatures equal to **4 percent** of the total number of votes cast for the office of Governor at the last regular gubernatorial election.

A referendum certified to the ballot must receive a simple majority vote to become law (except for gambling and lottery measures, which require 60 percent approval). Emergency legislation is exempt from the referendum process.

Please note: The information here is not intended as a substitute for the statutes governing initiative and referendum processes, but rather should be read in conjunction with them.

For more information go to **www.vote.wa.gov** and select "Initiatives & Referenda."

Initiative Measure

1185

Proposed by initiative petition:

Initiative Measure No. 1185 concerns tax and fee increases imposed by state government.

This measure would restate existing statutory requirements that legislative actions raising taxes must be approved by two-thirds legislative majorities or receive voter approval, and that new or increased fees require majority legislative approval.

Should this measure be enacted into law?
[ ] Yes
[ ] No

The Official Ballot Title and Explanatory Statement were written by the Office of the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management as required by law. The Secretary of State is not responsible for the content of arguments or statements (WAC 434-381-180). The complete text of Initiative Measure 1185 is located at the end of this pamphlet.

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

A Washington statute provides that any action or combination of actions by the legislature that raises taxes may be taken only if approved by at least two-thirds legislative approval in both the house of representatives and the senate.

Another Washington statute provides that a state fee may only be imposed or increased in any fiscal year if approved with majority legislative approval in both the house of representatives and the senate, and must be subject to certain accountability procedures specified in statute. These requirements do not apply to assessments made by agricultural commodity commissions or to the forest products commission.

The Effect of the Proposed Measure, if Approved

This measure would restate the current statutory language regarding tax increases, revising it to state that any action or combination of actions by the legislature that raises taxes may be taken only if approved by a two-thirds vote in both the house of representatives and the senate.

The measure would restate the current statutory language relating to increases in state fees, revising it to state that a fee may only be imposed or increased in any fiscal year if approved with a simple majority vote in both the house of representatives and the senate.

Fiscal Impact Statement

Written by the Office of Financial Management

Fiscal Impact through Fiscal Year 2017

Initiative 1185 is estimated to decrease state transportation revenues and expenditures from requiring new legislative approval to impose tolls on state highways and bridges. The total fiscal impact is indeterminate, but state toll revenue and transportation expenditures are estimated to decrease $22,800,000 to $33,100,000 in fiscal year 2017. Requiring new legislative approval to impose fees will also prevent implementation of certain businesses and health care certifications, which is estimated to decrease state revenue by $2,713,000 and decrease state costs by $3,611,000 over five fiscal years. There is no fiscal impact on local governments.

General Assumptions

- The initiative applies prospectively with an effective date of Dec. 6, 2012.
- Approval of the initiative will require some state agencies to obtain new legislative approval to impose or increase certain fees after the effective date of the initiative (see Office of Attorney General Informal Opinions discussing I-1053 – Roach dated 12/20/10 and Benton dated 02/17/11).
- Fees set by statute (either a specific amount or formula) are assumed to be unaffected by the

initiative (see Office of Attorney General Informal Opinions discussing I-1053 – Roach dated 12/20/10 and Benton dated 02/17/11).

- The initiative does not impact any new or increased fees adopted by state agencies prior to the effective date (see Office of Attorney General Informal Opinions discussing I-1053 – Roach dated 12/20/10 and Benton dated 02/17/11).
- Because it is unknown what actions will be taken by future legislatures, no fiscal impact is assumed or estimated from the initiative's requirement that any action or combination of actions by the Legislature that raises taxes may be taken only if approved by a two-thirds vote of each house of the Legislature, and then only if state expenditures in a given fiscal year, including new revenue, will not exceed state expenditure limits established in law.
- The initiative is limited to taxes and fees imposed by state government. Therefore, there is no fiscal impact on local governments.
- Estimates are based on information provided by agencies for fiscal notes created during the 2012 legislative session and rounded to the nearest $1,000.
- Estimates are described using the state's fiscal year (FY) of July 1 through June 30.

State Government Revenue and Expenditure Estimates – Assumptions

The fiscal impact of I-1185 is attributable to its requirement that some agencies will require new legislative approval in order to impose or increase certain fees that the Legislature authorized during the 2011 and 2012 legislative sessions. During this period, it is estimated that the Legislature approved the imposition or increase of 113 fees. Of that amount, an estimated 11 new or increased fees are assumed to be affected.

Transportation Revenue, Expenditure and Cost Estimate Assumptions

During the 2011 and 2012 legislative session, the Legislature authorized the imposition of tolls that are assumed to require new legislative approval:

- Interstate 405 high-occupancy vehicle lanes in Engrossed House Bill 1382 (2011).
- The Alaskan Way Viaduct replacement project in Substitute Senate Bill 6444 (2012).
- The Columbia River Crossing project in Engrossed Substitute Senate Bill 6445 (2012).

For the Columbia River Crossing project and Interstate 405 high-occupancy vehicle lanes, it is not known when tolls would be set during the period covered by this fiscal impact statement (FY 2013–17) or the toll amount. Therefore, the state revenue and state expenditure impact from the requirement of new legislative approval to impose tolls is indeterminate.

The Legislature enacted legislation requiring the Alaskan Way Viaduct replacement project financing plan to include no more than $400 million in toll revenue (see RCW 47.01.402). Assuming the initiative requires new legislative approval to impose tolls on the Alaskan Way Viaduct replacement project, state toll revenue is estimated to decrease within a range of $22,800,000 to $33,100,000, and state toll costs are estimated to decrease within a range of $10,100,000 to $11,500,000 over five fiscal years assuming tolling does not begin until FY 2017. It is assumed that state expenditures for this project or other transportation projects will be reduced or eliminated by $12,700,000 to $21,600,000 to balance expenditures to the total decrease in state toll revenue.

In addition, legislative approval was given in Substitute Senate Bill 5700 (2011) and the transportation appropriation act for the Washington State Transportation Commission to review and adjust tolls during the 2011–13 biennium for the Tacoma Narrows Bridge and the State Route 520 corridor. Tolls for the Tacoma Narrows Bridge and the State Route 520 corridor are set annually and must be used to pay bonds (debt); pay costs related to the operation, maintenance and management of the facility; and if necessary, repay amounts to the Motor Vehicle Fund. It is not known if it will be necessary during the 2011–13 biennium to increase tolls for the Tacoma Narrows Bridge and the State Route 520 corridor, and therefore impact on state revenues and expenditures is indeterminate.

Business Certifications and Endorsements Assumptions

During the 2012 legislative session, the Legislature authorized the imposition of fees to fund Department of Health costs for activities related to four new health care certifications and endorsements:

- Medication assistant endorsement for certified nursing assistants in Engrossed Substitute House Bill 2473 (2012).

- Dental anesthesia assistant certification in Engrossed Second Substitute Senate Bill 5620 (2012).
- Reflexologist certification in Engrossed Substitute Senate Bill 6103 (2012).
- Medical assistant certification in Engrossed Substitute Senate Bill 6237 (2012).

RCW 43.70.110 and 43.70.250 require that state costs for each professional, occupational or business licensing program administered by the Department of Health be fully borne by the members of that profession, occupation or business. Assuming the initiative requires new legislative approval of the department's fee authority, it is assumed that current law will also prevent the creation of these four new health care certifications and endorsements. Therefore, state fee revenue is estimated to decrease $2,454,000 and state costs are estimated to decrease $3,350,000 over five fiscal years.

During the 2011 legislative session, the Legislature authorized in Second Substitute Senate Bill 5034 the imposition of fees to fund Utility and Transportation Commission costs related to the certification of private wastewater operators. The commission is not required to engage in rulemaking to implement the certification until it has collected sufficient payments to cover its projected costs. Assuming the initiative requires new legislative approval for the commission's fee authority, it is also assumed that commission will not engage in rulemaking. Therefore, state fee revenue is estimated to decrease $259,000 and state costs are estimated to decrease $261,000 over five fiscal years.

See Table 1.1 and Table 1.2 for details on state revenue and state cost impacts from business certifications and endorsements

Recreation Fees Assumptions

During the 2012 legislative session, the Department of Fish and Wildlife, the Department of Natural Resources and the Parks and Recreation Commission were authorized in Engrossed Second Substitute House Bill 2373 the option of offering a Family Discover Pass transferrable among vehicles. The agencies are required to collectively set the price of the pass at an amount no more than $50. The requirement of new legislative approval will prevent the agency from offering the Family Discover Pass. The state revenue and expenditure impacts are indeterminate because it is unknown how the sales of the Family Discover Pass would impact overall Discover Pass sales.

Table 1.1 State Business Certification and Endorsement Revenue Impact

State Revenue Impact	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Health Professions Account	$0	$864,000	$308,000	$919,000	$363,000
Public Service Revolving Fund	$81,000	$20,000	$85,000	$42,000	$31,000
State Total	$81,000	$884,000	$393,000	$961,000	$394,000

Table 1.2 State Business Certification and Endorsement Cost Impact

State Revenue Impact	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Dept. of Health	$220,000	$1,546,000	$773,000	$403,000	$408,000
Utility and Transportation Commission	$81,000	$53,000	$53,000	$37,000	$37,000
State Total	$301,000	$1,599,000	$826,000	$440,000	$445,000

Argument For
Initiative Measure 1185

Four Times the Voters Have Approved Initiatives Requiring Either a Two-Thirds Vote of the Legislature…

…or majority vote of the people to raise taxes. Four times. Just two years ago, 64% of voters approved it. The people clearly want tax increases to be *an absolute last resort*.

Nonetheless, Olympia will take it away next year unless we pass I-1185. Recent history shows why I-1185 is necessary to protect struggling taxpayers.

For the Two Years Following Voters Approval in 2007, I-960 Worked Exactly as Voters Intended

With I-960, tax increases *were* a last resort and Olympia balanced its budgets without raising taxes. In 2010, they suspended I-960 and increased taxes *a whopping $6.7 billion* (10-year cost according to state's budget office), a huge betrayal of the public trust. I-1185 stops them from doing that again.

We Need Certainty in Tough Economic Times

The worst thing state government could do is hamper the conditions for economic growth. We need an economic climate where families feel confident, employers expand, job growth is positive. I-1185 provides a stable future, giving families and employers the certainty they need to prosper.

Olympia Faces Another Big Deficit Because Unsustainable Spending has Once Again Outstripped Revenue

We simply can't afford to have it all. With I-1185's extension of I-960's taxpayer protections, Olympia will be encouraged to reform government, prioritize spending and re-evaluate existing programs. Without I-1185, they'll resort to job-killing, family-budget-busting tax increases. Hold Olympia accountable for your tax dollars – vote *yes*.

Rebuttal of Argument Against

Since 1993, Washington's had the two-thirds requirement. In those 20 years, during legislative sessions when it's been in effect, tax hikes were a last resort resulting in more reform and fewer taxes. When Olympia suspends it (like 2010), tax increases become a first resort with less reform and much higher taxes. It shouldn't be easy for government to take more of the people's money. Protect yourself by extending I-960's various protections with I-1185 – vote *yes*.

Argument Prepared by

Erma Turner, retired hairdresser, businesswoman, our favorite supporter, Cle Elum; **Darryl Ehlers**, farmer, husband, father, poet, gathered 1169 signatures, Lynden; **Jack Fagan**, retired policeman, retired navy, grandfather, bowler, fisherman, hunter; **Larry Stanley**, retired small business owner, active in community, Spokane; **Brad Carlson**, family small business owner, Evergreen Memorial Gardens, Vancouver; **Suzie Burke**, businesswoman, Fremont's biggest small business advocate, Seattle

Contact: (425) 493-8707; YesOn1185@gmail.com; www.YesOn1185.com

Argument Against
Initiative Measure 1185

Tim Eyman, funded by big corporate interests, is back with Initiative 1185. This flawed and unconstitutional measure makes it nearly impossible to provide adequate funding for public schools and social services.

Cuts funding for vital services

Measures like 1185 may sound like a way to protect taxpayers, but Colorado passed a similar measure with disastrous results. It cut off funding for schools, roads, and immunizations for kids, and caused so many problems that Colorado's Republican Governor proposed a measure to suspend it, which voters passed.

1185 rewards special interests

Public Disclosure Commission reports show most of the million dollars plus spent to put 1185 on the ballot came from big oil companies, beer companies, and other Olympia special interests. These corporations want to rig the rules to prevent having to pay their fair share.

1185 blocks closing tax loopholes

Eyman's initiative is so poorly written that under 1185 it only takes a majority vote to give corporations a special tax loophole – but then requires a two-thirds vote to *eliminate* that same loophole. That's wrong.

1185 is unconstitutional

A respected judge recently ruled the core provision of 1185 is unconstitutional. Why? Our constitution plainly states that legislation passes with a *majority* vote. Other states with a two-thirds rule did it by amending their constitutions, but Eyman has refused to propose a constitutional amendment. Community leaders across Washington oppose 1185 because it is designed to block efforts to make the wealthy and powerful pay their share. Vote *no* on 1185.

Rebuttal of Argument For

Another year, another deceptive Eyman initiative. BP and Conoco Phillips are spending hundreds of thousands of dollars to pass this initiative to protect costly and unfair tax breaks for Big Oil and other special interests. 1185 means further deep cuts for our schools, on services for seniors and the disabled, and public safety. Vote *no* on 1185 to stop Eyman and his big money backers from trashing our constitution to suit their own selfish purposes.

Argument Prepared by

Douglas MacDonald, former Washington State Secretary of Transportation; **Don Orange**, Vancouver small business owner, chair, Main Street Alliance; **Pam Kruse**, Pierce county public school teacher; **Reuven Carlyle**, Business owner, public school parent and citizen legislator; **Teri Nicholson**, Registered Nurse, Spokane; **Gerald Reilly**, Chair, ElderCare Alliance, Olympia

Contact: voteno1185@gmail.com; www.no1185.org

Initiative Measure

1240

Proposed by initiative petition:

Initiative Measure No. 1240 concerns creation of a public charter school system.

This measure would authorize up to forty publicly-funded charter schools open to all students, operated through approved, nonreligious, nonprofit organizations, with government oversight; and modify certain laws applicable to them as public schools.

Should this measure be enacted into law?
[ ] Yes
[ ] No

The Official Ballot Title was written by the Office of the Attorney General as required by law and revised by the court. The Explanatory Statement was written by the Office of the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management as required by law. The Secretary of State is not responsible for the content of arguments or statements (WAC 434-381-180). The complete text of Initiative Measure 1240 is located at the end of this pamphlet.

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

The legislature has provided for the education of resident children through creation of a public school system. Public schools are operated by local school districts under the overall supervision of the state superintendent of public instruction. Children between the ages of eight and eighteen must attend public school, subject to certain exceptions including enrolling in private school or receiving homeschool instruction.

School districts are local government bodies responsible for operating the "common schools" (kindergarten through twelfth grade) in their boundaries. A board of directors elected by the people of the district governs each school district. Each board appoints a superintendent of schools and employs teachers, administrators, and other staff as needed. School district boards must comply with certain statewide standards, but each board is responsible for selecting the number, size, and location of school buildings, employing staff, and choosing curriculum and textbooks for that district.

Each school district must allow all children residing within its geographic boundaries to enroll in its schools. Each school district has discretion to determine where an enrolled student attends school. Most districts assign students to schools on a geographic basis but may also offer students some choice of schools within a district. Many districts offer special programs that are available to students on a non-geographical basis. If agreed to by both districts, a student may attend school in another district.

Currently, public schools are established by local school district boards and cannot be created or operated by any other entity. They are primarily funded by the state. The legislature appropriates funds to the superintendent of public instruction for distribution to school districts. District allotments consider a number of factors but are primarily based on the number of students enrolled in the district. In addition to their state funding, districts may levy voter-approved special property taxes and seek funding from the federal government and/or private sources for district educational programs.

State laws impose various requirements for education programs offered by school districts. Examples of state requirements include provisions relating to student/teacher ratios, alternative education programs, special education, student transportation, bilingual instruction, highly capable students, visual and auditory screening of students, immunization, early childhood programs, school attendance, compulsory course work, food services for students, and management of school district property.

The state board of education is a state agency made up of sixteen members, including the superintendent of public instruction, members appointed by the governor, and members elected by local school boards. The board of education develops educational policy and provides strategic oversight of the public school system.

The Education Employment Relations Act (Chapter 41.59 RCW) governs school district employment relations issues. This statute provides for collective bargaining as to wages, hours, and terms and conditions of employment, and sets requirements and limitations on the collective bargaining process. Collective bargaining matters are within the jurisdiction of the public employment relations commission, a state agency.

The Effect of the Proposed Measure, if Approved

This measure would allow the authorization of a limited number of charter schools within the state's public school system. The measure uses the terms "charter school" and "public charter school" interchangeably, and defines the term as a public school governed by a charter school board and operated according to the terms of a charter contract, which is entered into pursuant to the terms of the measure. The measure would limit the number of charter schools to forty over a five year period, with no more than eight charter schools established per year.

A public charter school would include one or more of grades kindergarten through twelfth. Each charter school would be operated by a nonprofit corporation meeting the requirements of public benefit nonprofit corporations (a nonprofit corporation that has been designated as a tax-exempt charity under the federal internal revenue code). The nonprofit corporation could not be a sectarian or religious organization. Charter schools would be open to all students, and could only limit admission based on age group, grade level, or capacity of the school. Charter schools would be subject to supervision by the superintendent of public instruction and the state board of education.

Public charter schools would be created either as "new" charter schools (public schools that did not previously exist) or "conversion" charter schools (existing public schools converted into charter schools). Conversion charter schools must enroll all students already attending the school who wish to remain enrolled. If new charter schools have insufficient capacity to enroll all students who apply, admission would be determined by lottery, with preference given to siblings of already enrolled students.

The measure establishes two different ways that public charter schools could be authorized. First, the measure would create a new state agency, the Washington charter school commission. The commission could authorize charter schools anywhere in the state and enter into charter contracts with such schools. The commission would administer the charter schools it authorizes by managing, supervising, and enforcing the schools' charter contracts. The commission would consist of nine members. The governor, the president of the state senate, and the speaker of the house of representatives would each appoint three members, and no more than five members could be of the same political party. The members would be required to have experience and expertise in public and nonprofit governance, public school education, and management and finance; and a demonstrated commitment to charter schools.

Second, the measure would allow local school district boards to authorize public charter schools within their school district boundaries. To authorize charter schools, a school district board would first have to apply to the state board of education to be approved as an authorizer of charter schools. The measure sets minimum requirements for the application. An approved school district board would be required to execute a six-year contract with the board of education, agreeing to certain responsibilities as an authorizer. Approved school district boards could then authorize and enter into charter contracts with charter schools, and would be responsible for managing, supervising, and enforcing those charter contracts. The state board of education would oversee approved school district boards and under certain circumstances could revoke its approval of the school district board as an authorizer of charter schools.

Under the measure, nonprofit corporations seeking to operate a public charter school would apply to the charter school commission or to an approved school district board. The measure sets minimum requirements for applications to operate charter schools. Applicants could apply to only one authorizer at a time, but could re-apply or apply to a different authorizer if rejected. The measure provides that preference would be given to approving applications for charter schools designed to enroll at-risk students.

A public charter school's basic structure and operations would be set forth in its charter contract. The charter contract would be a renewable, five-year contract between the authorizer (the state charter school commission or an approved local school board) and the charter school board. The charter school board would be appointed or selected according to the approved terms of the charter

school application submitted by the nonprofit corporation. Subject to the terms of the charter contract, the charter school board could hire and discharge employees and enter into contracts to carry out the school's functions, including purchase or rental of real property, equipment, goods, supplies, and services. Contracts for management of the charter school could only be with nonprofit corporations. The charter school board could also borrow money and issue debt, but could not use public funds allocated to the school as collateral. The state, the charter school commission, and the local school district would not be held responsible for the debt.

The measure would set minimum requirements for what must be addressed in public charter school contracts, including academic and operational performance expectations and measures by which the performance will be judged. Charter contracts may be revoked or not renewed under certain circumstances, including failing to meet performance expectations.

Public charter schools would receive allocation of state funding based on their student enrollments, including both basic education funding and other categories of state funding for public schools. A portion of this allocation would be used to fund administrative oversight by the authorizer of the charter school (the charter school commission or the local school district board). Charter schools authorized by local school boards and conversion charter schools would also be entitled to per-pupil allocations of local levy proceeds, but new charter schools authorized by the charter school commission could receive funds only from levies submitted to voters after the school's start-up date. A charter school would not be able to charge tuition, levy taxes, or issue tax-backed bonds. A charter school could accept and administer grants and donations from governmental and private entities, and would be eligible to apply for state grants on the same basis as a school district.

Public charter schools would be exempt from most state statutes and rules applicable to school districts, except statutes and rules made applicable through the school's charter. However, charter schools would be required to comply with certain laws such as local, state, and federal laws regarding health and safety, parents' rights, civil rights, and nondiscrimination. Charter schools would be required to employ certificated instructional staff (with certain exceptions also applicable to other public schools), would be required to provide basic education as defined by statute, would be subject to performance audits, and would be subject to open public meetings and open public records laws. Charter schools would be prohibited from engaging in sectarian practices.

Public charter schools and their employees would participate in state retirement programs for teachers, school employees, and public employee retirement systems, unless including them would jeopardize the status of the retirement systems as governmental plans for purposes of the internal revenue code and related federal laws. Charter school employees would also be eligible to participate in state employee health benefit programs.

Public charter schools would generally be subject to the same collective bargaining requirements as other public schools, but the bargaining unit for collective bargaining would be limited to employees of the charter school rather than including employees from several schools or a school district.

Fiscal Impact Statement

Written by the Office of Financial Management

Fiscal Impact through Fiscal Year 2017

Initiative 1240 is anticipated to shift revenues, expenditures and costs between local public school districts or from local public school districts to charter schools, primarily from movement in student enrollment. This will result in an indeterminate, but non-zero, fiscal impact to local public school districts. Impacts on state expenditures are also indeterminate, but non-zero, because it is unknown: 1) how charter schools will impact enrollment in the state's education system, or 2) the extent to which charter schools will receive state categorical funding or state grants. Known state agency implementation costs are estimated at $3,090,700 over five fiscal years.

General Assumptions:

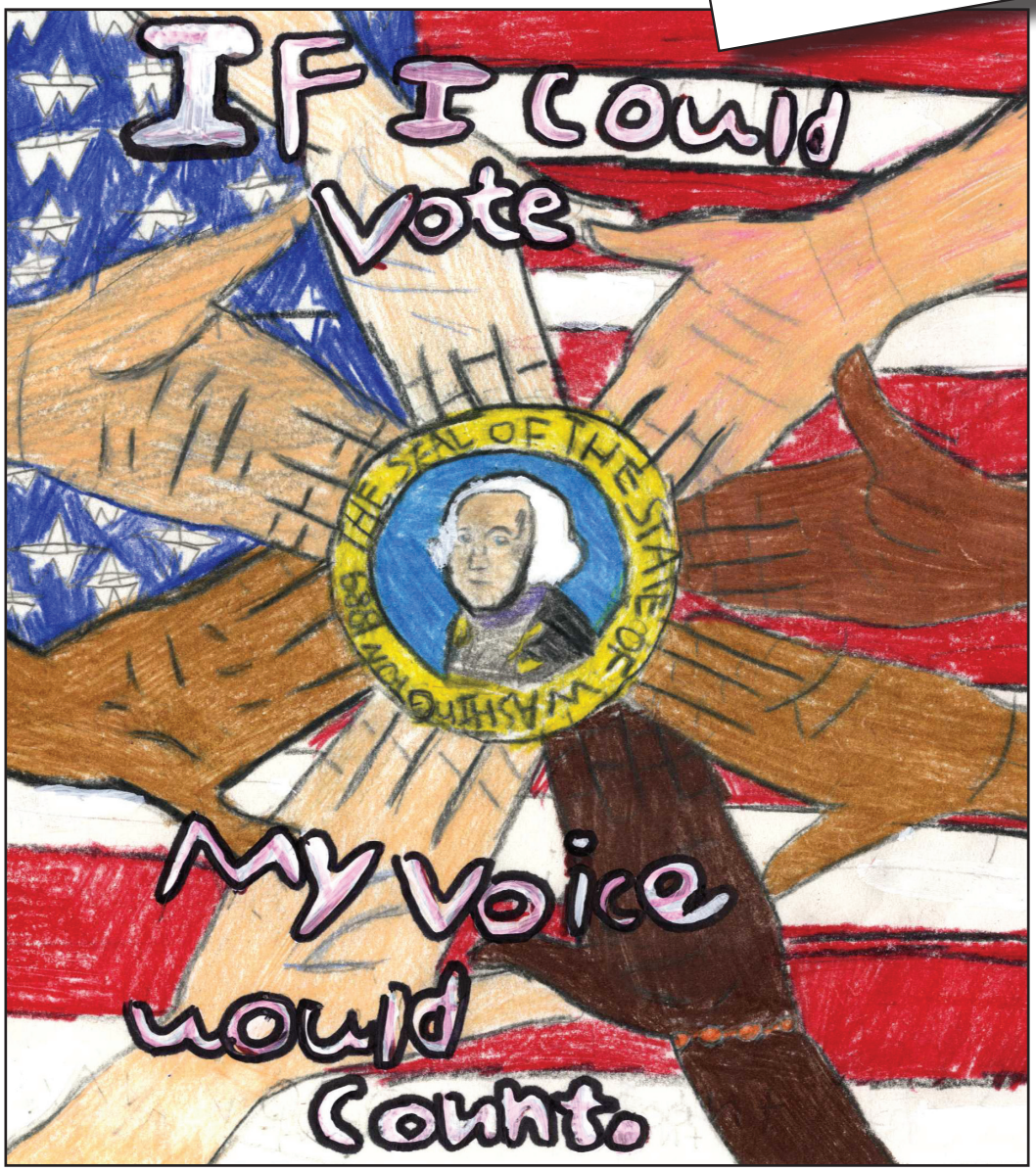
- Estimates assume 40 charter schools will be authorized over five years. The proportion authorized by a local public school district ("school district") or by the Washington Charter School Commission ("Commission") is unknown.

continue on page 15

Kids' Art Contest

Students in grades 4 and 5
Enter your voting-themed artwork in the Kids' Art Contest. The winner will be featured in the 2013 statewide Voters' Pamphlet.

For contest rules, visit the Civics Education page at **www.vote.wa.gov**. The deadline is April 19, 2013.



"If I Could Vote..."
Sophiana James
Sammamish, WA

Winner of the 2012
Voters' Pamphlet
Kids' Art Contest

- Charter schools would be tuition-free public schools within the state system of common schools under the supervision of the Office of Superintendent of Public Instruction and State Board of Education ("Board").
- State funding for charter schools would be provided in the same manner as other public schools.
- It is unknown where charter schools will be located, their size or the composition of their staff or students ("characteristics").
- Estimates assume charter schools could first be authorized for operation for the 2013–14 school year.
- The effective date of the initiative is Dec. 6, 2012.
- Estimates are described using the state's fiscal year (FY) of July 1 through June 30.

State and Local Government Revenue and Expenditure Estimate – Assumptions

State school funding for charter schools would be provided in the same manner as other public schools. Categorical funding would be allocated to charter schools based on the same funding criteria used for noncharter schools.

To the extent charter schools attract students from private or home schools, overall state student enrollment in the K-12 public school system could increase, increasing state expenditures. The cost of funding a student, using 2011–12 average school year costs, is $5,814 for basic education funding and transportation costs. However, under current law, the state would be required to fund these students should they choose to enter the public school system. Therefore, the fiscal impact to the state and school districts from any new student enrollment is indeterminate, but non-zero.

Depending on the characteristics of a charter school, state funding such as basic education and categorical funding may shift (decreasing for one entity and increasing for another entity) between school districts or from school districts to charter schools. However, such shifts occur under current law. Current law allows parents to enroll their children in schools outside their resident school district, within certain limitations. Moreover, parents may enroll their children in any of more than 300 public alternative schools and programs in school districts throughout the state. Students may also enroll in courses or programs at a community college, technical college and certain four-year universities. Charter schools provide another enrollment option, but they do not change current law that state funding follows the student. Therefore, the fiscal impact to school districts from providing state funding to charter schools is indeterminate, but non-zero.

Charter schools are eligible for state matching funds for common school construction. A charter school is eligible to apply for state grants on the same basis as a school district. State grants are allocated based on criteria set in law or rule, and may be competitively allocated, prioritized within available funds or subject to legislative appropriation. Because the characteristics of charter schools are unknown, the fiscal impact to the state and school districts from making charter schools eligible for grants and matching funds is indeterminate, but non-zero.

Charter schools authorized by a school district and conversion charter schools are eligible for local levy moneys approved by the voters before the start-up date of the charter school, and must be included in levy planning, budgets and funding distribution for local levies after the start-up date of the charter school. Charter schools authorized by the Commission are not eligible for local levy moneys approved by the voters before the start-up date of the charter school, but must be included in levy planning, budgets and funding distribution for local levies submitted to the voters after the start-up date of the charter school.

Under current law, school districts are authorized to impose a property tax levy within their boundaries to generate additional operating budget funds. These levies for maintenance and operations purposes can be imposed for up to four years and are limited to a set percentage of a state-defined school district levy base. The school district's levy base is a composite of the prior year's state and federal revenues, adjusted by inflation and other factors. To the extent the charter school changes a school district's state and federal revenues, the school district's levy base may increase or decrease, changing the amount of property tax that can be collected. Because the characteristics of charter schools are unknown, the revenue impact on school districts' property tax levies is indeterminate, but non-zero.

State funding is also available to reduce property tax rates for school district maintenance and operations levies. To be eligible for state local effort assistance, the school district must be located in an area with above-average school district property tax rates. However, because it is unknown where charter schools will be located, the fiscal impact to the state

to provide local effort assistance to school districts is indeterminate, but non-zero.

Authorizers of charter schools may receive an oversight fee. The fee is to be set by the Board and must be calculated as a percentage of state operating funding allocated to the charter school, but may not exceed 4 percent of the charter school's annual funding. Because the fee calculation and the amount of state operating funds allocated to the charter school is unknown, there is an indeterminate, but non-zero, revenue impact to the state and school districts.

State and Local Government Cost Estimate – Assumptions

The state will incur known costs to implement the initiative estimated to total $3,090,700 over five fiscal years. See Table 2.1 for details on state estimated costs. Assumptions by agency are as follows:

- The initiative establishes a nine-member Commission as an independent state agency. The Commission's mission is to authorize charter schools. Estimates assume the need for operational and staff support to the Commission at the cost of $970,300 over five fiscal years.
- The initiative requires the Board to develop an annual application, approval process and timelines for entities seeking approval to be charter school authorizers no later than 90 days after the effective date of the initiative. The Board is also responsible for oversight of the performance and effectiveness of authorizers it approves. Duties also include the setting of an authorizer oversight fee. The Board, in collaboration with the Commission, must issue an annual report on the state's charter schools for the preceding year. In the fifth year following the operation of charter schools for a full school year, the annual report must contain a recommendation on whether the Legislature should authorize the establishment of additional charter schools. Estimates assume these new duties will require additional operational and staff support to the Board at the cost of $815,000 over five fiscal years.
- Estimates assume the Office of Superintendent of Public Instruction will require additional operational and staff support to allocate and reconcile funds paid to charter schools and to perform duties as the Board's fiscal agent. These costs are estimated at $764,400 over five fiscal years.
- Charter school employees' certificated and classified staff may participate in public employee collective bargaining. Any bargaining unit or units established by the charter school must be separate from other bargaining units in the school districts, educational service districts or institutions of higher education. Each charter school is a separate employer from the school district. It is not known to what extent charter school employees will seek representation and collectively bargain. If all charter school employees were to seek representation and bargain, the maximum estimated cost to the Washington State Public Employment Relations Commission is estimated at $461,000 over five fiscal years.
- Charter school employees may also participate in the state's health benefit programs through the Public Employees Benefits Board in the same manner as other public school employees. Charter school employees must become members of state retirement systems if their membership does not jeopardize the federal tax status of these retirement systems. The one-time cost of seeking a federal tax status determination is estimated at $80,000 in fiscal year 2013. No additional state costs are assumed for the provisions of retirement contributions and health care benefits as those are a component of the state's basic education funding to school districts.

School districts that choose to become authorizers of charter schools will incur costs to solicit and review applications, contract with charter school boards, monitor and oversee their authorized charter schools, and annually report to the Board. Because costs will depend on the characteristics of charter schools, there is an indeterminate, but non-zero, cost impact to school districts to become authorizers of charter schools.

Table 2.1 Known State Cost Impact					
Known State Costs	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
State Charter Schools Commission	$117,100	$213,300	$213,300	$213,300	$213,300
State Board of Education	$171,000	$161,000	$161,000	$161,000	$161,000
Office of Superintendent of Public Instruction	$239,200	$131,300	$131,300	$131,300	$131,300
Public Employment Relations Commission	$0	$120,500	$116,500	$112,000	$112,000
Department of Retirement Systems	$80,000	$0	$0	$0	$0
State Total	$607,300	$626,100	$622,100	$617,600	$617,600

Student Mock Election

October 29 - November 2, 2012

Students in grades K-12 can vote online for actual candidates and ballot measures. The Mock Election is free, fun and educational!

It's as easy as...

1. Starting Monday, October 29 go to **www.sos.wa.gov/elections/mock**
2. Read the student voters' guide
3. Vote online for real candidates and measures

Results will be posted after voting closes on Friday, November 2, at 1 p.m.

Argument For
Initiative Measure 1240

Charter schools are independently-managed public schools operated by approved nonprofit organizations. They are free, open to all students, and receive funding based on student enrollment just like traditional public schools.

Under I-1240 public charter schools must meet the same academic standards as traditional public schools, and their teachers must meet the same certification requirements as teachers in other public schools. However, charter schools have more flexibility in curriculum, budgets and staffing, and in offering more customized learning experiences for students.

I-1240 finally allows Washington parents and students the option of public charter schools

Washington is one of the few states without public charter schools. I-1240 will allow up to 40 public charter schools to be authorized in Washington over five years, overseen by a state commission or local school board with strict accountability and oversight. I-1240 requires annual performance reviews and an evaluation after five years before additional charter schools could be allowed.

Our current public school system isn't meeting the needs of all students

Although many students do well in traditional public schools, far too many are falling through the cracks and are at risk of dropping out. Allowing public charter schools provides another option to help these struggling students succeed.

Forty-one other states have public charter schools

Charter schools in other states are helping struggling students stay in school and succeed. A *yes* vote on 1240 will finally give Washington families the option of public charter schools for our children, just like families in 41 other states have.

Rebuttal of Argument Against

Charter schools *are* public schools, open to *all* students, accountable to a local school board or state commission, and do not take a penny from our public school system or students. They're funded based on student enrollment just like other public schools. I-1240 requires strict accountability and oversight, drawing on successful charter school laws in other states to finally allow this important *public school option* for Washington parents and schoolchildren. Please vote *yes* on 1240.

Argument Prepared by

Todd Hausman, Public School Teacher, Bellingham Member, Washington Education Association; **Jana Carlisle**, Garfield High School Parent Volunteer; **Jerry Dyar**, Public School Counselor, Spokane; **Thelma A. Jackson**, Ph.D., Steering Committee Member, Black Education Strategy Roundtable; **Carol Frodge**, Teacher/Former Principal, PTA 2011 Outstanding Advocate Award; **Lynne Tucker**, Parent and Special Education Advocate, Seattle

Contact: (877) 704-5577; info@YESon1240.com; www.YESon1240.com

Argument Against
Initiative Measure 1240

Please vote *no* on Initiative 1240, the charter school initiative. Along with thousands of other teachers, classified school employees, community members and parents, we urge you to vote *no* on I-1240, which creates an expensive new system of privately operated – but publicly funded – charter schools in Washington. There are many good reasons to oppose I-1240:

Charter schools will drain millions of dollars from existing public schools. At a time when school funding has already been cut dramatically, our children cannot afford this initiative. *Charter schools will prevent us* from doing what the state Supreme Court has ordered – provide adequate funding for basic public education so all students have the chance to succeed.

Charter schools will serve only a tiny fraction of our student population. We need to make sure that all kids get a quality public education. *Charter schools are an unproven, risky gamble.* Research conducted by Stanford University and others shows that, overall, charter schools do not perform better than public schools, and nearly 40 percent of them do *worse*.

Charter schools undermine local control. This initiative lets out-of-state charter school operators make the rules. That means less accountability to Washington taxpayers.

Washington voters have already rejected charter schools three times. I-1240 is a discredited idea, and it's time to move on. Our state's children can't afford I-1240. Please join teachers, classified school employees, community members and parents: Vote *no* on I-1240.

Rebuttal of Argument For

There is no guarantee that kids who are struggling will have access to charter schools. I-1240 diverts taxpayer money into unaccountable, unproven charter schools that would serve a tiny fraction of our students. Attendance will be determined by a lottery. After years of budget cuts, I-1240 will drain millions of dollars from existing classrooms. I-1240 will undermine the recent Supreme Court order to increase school funding so all students can succeed. Vote *no* on I-1240.

Argument Prepared by

Freedom Johnson, Renton School District Teacher and WEA member; **Megan Ives**, Parent of three students in Spokane Public Schools; **Colleen Bradley**, Marysville School District Paraprofessional and SEIU 925 member; **Linnea Hirst**, Co-President, League of Women Voters of Washington; **Estela Ortega**, Executive Director, El Centro de la Raza; **Oscar Eason Jr.**, President, Alaska/Oregon/Washington State Area Conference NAACP

Contact: (253) 765-7157; info@peopleforourpublicschools.org; www.peopleforourpublicschools.org

Referendum Measure

74

Passed by the Legislature and Ordered Referred by Petition:

The legislature passed Engrossed Substitute Senate Bill 6239 concerning marriage for same-sex couples, modified domestic-partnership law, and religious freedom, and voters have filed a sufficient referendum petition on this bill.

This bill would allow same-sex couples to marry, preserve domestic partnerships only for seniors, and preserve the right of clergy or religious organizations to refuse to perform, recognize, or accommodate any marriage ceremony.

Should this bill be:
[ ] Approved
[ ] Rejected

You are voting to Approve or Reject the bill passed by the Legislature

Approve - you *favor* the bill passed by the Legislature.

Reject - you *don't favor* the bill passed by the Legislature.

Votes cast by the 2012 Legislature on final passage:
Senate: Yeas, 28; Nays, 21; Absent, 0; Excused, 0
House: Yeas, 55; Nays, 43; Absent, 0; Excused, 0

The Official Ballot Title was written by the Office of the Attorney General as required by law and revised by the court. The Explanatory Statement was written by the Office of the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management as required by law. The Secretary of State is not responsible for the content of arguments or statements (WAC 434-381-180). The complete text of Engrossed Substitute Senate Bill 6239 is located at the end of this pamphlet.

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

Washington law currently provides that marriage is a civil contract between a male and a female, who are both at least eighteen years old and otherwise capable of marrying. The law prohibits marriage if the parties to the marriage are of the same sex or are closely related, or if a party to the marriage is already married to somebody else. A marriage is void if one of the parties is under age seventeen, unless a superior court judge waives the age requirement based on a showing of necessity. A marriage entered into in another state or jurisdiction is recognized as valid unless Washington law would have prohibited the marriage if it had been formed here.

The state also currently maintains a domestic partnership registry. Two individuals of the same sex may enter into a state-registered domestic partnership if they meet certain requirements. Two individuals may also enter into a state-registered domestic partnership if at least one of them is over 62 years old. The other requirements for entering a domestic partnership are that the couple share a residence, are both at least eighteen years old, are not closely related, and neither is married or in a domestic partnership with anyone else. A legal union of two persons that was validly formed in another state or jurisdiction, and that is similar to a domestic partnership, is recognized as a domestic partnership in Washington.

The same rights, responsibilities, and obligations that state law grants or imposes on married couples and their families also apply to state-registered domestic partners. The terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family, when used in state statutes, apply equally to state-registered domestic partnerships as well as to marital relationships and married persons. Similarly, laws about dissolution and invalidation of

marriage apply equally to state-registered domestic partnerships. Gender-specific terms such as husband and wife used in any statute, rule, or other law are construed to be gender neutral, and applicable to individuals in state-registered domestic partnerships.

The Washington Law Against Discrimination prohibits discrimination on the basis of sexual orientation. This prohibition applies to employment, real estate transactions, credit transactions, insurance, and to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement.

The Effect of the Proposed Measure, if Approved

If approved, this measure would allow same-sex couples to marry. Other prohibitions on marriage, such as those based on age, being closely related, and already being married to somebody else would continue to apply. Marriage laws would apply without regard to gender. This measure specifies that gender-specific terms like husband and wife will be construed to be gender-neutral and will apply to spouses of the same sex.

This measure provides that clergy are not required to perform or recognize any marriage ceremony. No religious organization, or religiously-affiliated educational institution, would be required to provide accommodations, facilities, advantages, privileges, services, or goods related to the performance of a marriage. Clergy, religious organizations, and religiously-affiliated educational institutions would be immune from any civil claim or cause of action, including a claim or cause of action based on the Washington Law Against Discrimination, based on a refusal to perform or recognize any marriage, or to provide facilities, advantages, privileges, services, or goods related to the performance of a marriage.

State and local governments would be prohibited from basing actions relating to penalties, benefits, licenses, or contracts on the refusal of a religious organization to provide such accommodations, facilities, advantages, privileges, services, or goods. State and local governments would be prohibited from basing actions relating to penalties, benefits, or contracts on the refusal of a person associated with a religious organization to solemnize or recognize a marriage. The measure does not change or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to provide adoption, foster care, or other child-placing services.

This measure would also recognize, as valid in Washington, marriages between same-sex couples entered into in another state or jurisdiction and recognized as valid in that other state or jurisdiction, unless either party to the marriage was already married to a different person or the parties to the marriage are closely related. It would also recognize certain legal unions between two persons, other than marriages, entered into in another state or jurisdiction. This provision applies if the legal union provides substantially the same rights, benefits, and responsibilities as a marriage, but does not meet the definition of a domestic partnership in Washington. Washington law would then treat such couples as having the same rights and responsibilities as married spouses in this state, unless the relationship is otherwise prohibited by Washington law or the couple does not marry within one year of becoming permanent residents of Washington. Two individuals would not be prohibited from obtaining a marriage license in Washington on the basis that they validly entered into a legal union, other than a marriage, in another state or jurisdiction.

After June 30, 2014, state-registered domestic partnerships would be available only to couples in which one partner is at least 62 years old. The parties to existing same-sex domestic partnerships may either get married or dissolve their domestic partnership. Same-sex domestic partnerships, in which neither party is over 62 years old, will be automatically converted into a marriage as of June 30, 2014, unless the parties either get married or dissolve the domestic partnership before that date. The Secretary of State would be required to send letters to each same-sex domestic partner advising of these changes.

Fiscal Impact Statement

Written by the Office of Financial Management

Fiscal Impact through Fiscal Year 2017

Referendum 74 would enact legislation, Engrossed Substitute Senate Bill 6239, that allows same-sex couples to marry, applies marriage laws without regard to gender and specifies that laws using gender-specific terms like husband and wife include same-sex spouses. After 2014, existing domestic partnerships are converted to marriages, except for seniors. Fewer state domestic partnership filings and a corresponding increase in marriage licenses are estimated to decrease state revenue by $81,000 and increase county revenue by $128,000 over five fiscal years. A one-time state cost is estimated at $15,000 for

required state mailings to those currently registered in the domestic partnership program.

General Assumptions

- Estimates are based on information provided by state agencies during the 2012 legislative session for Engrossed Substitute Senate Bill 6239 and the Washington State Department of Commerce Local Government Fiscal Note Program.
- In 2009, the Legislature passed Engrossed Second Substitute Senate Bill 5688, Engrossed House Bill 1616 and Engrossed Substitute House Bill 1445, which generally expanded the rights, responsibilities and obligations accorded state-registered same-sex and senior domestic partners to be equivalent to those of married spouses, except that a domestic partnership is not a marriage. Consequently, the conversion of existing same-sex domestic partnerships to marriages and the ability of same-sex couples to marry are estimated to have insignificant fiscal impact on state and local government revenues, costs or expenditures.
- The domestic partnership program continues only for couples where at least one of the partners is 62 years of age or older.
- Estimates are described using the state's fiscal year of July 1 through June 30.

State and Local Government Revenue and Expenditures Estimate – Assumptions

- Because the domestic partnership program will be limited to couples where at least one of the partners is 62 years of age or older, the Secretary of State estimates a decrease of fee revenue of $38,000 each fiscal year from fewer registrations.
- Assuming the decrease in domestic partnership filings will result in a corresponding increase in marriages, and the maximum cost of a marriage license is $64, revenue is estimated to increase $20,400 to the state and $28,000 to counties each fiscal year. For each marriage license, estimates assume the state receives $27 and the county retains $37 of each license fee. Local revenues support the county general fund, family court, family services, records preservation fund and historical programs. State revenues support the displaced homemaker program, child abuse programs, the centennial records preservation program, the state archives and the state heritage center.

State and Local Government Cost Estimate – Assumptions

- The Secretary of State estimates a one-time cost of $15,000 for two required mailings that includes a summary of this law to each partner who is registered in a domestic partnership.

Have questions?

Your county elections department has answers.

Your county elections department can:

register you to vote;
send you a replacement ballot;
provide accessible voting assistance;
provide additional voters' pamphlets; and
locate your nearest ballot drop box.

County contact information is located in the back of this pamphlet.

Argument For
Referendum Measure 74

Only Marriage Provides the Security to Build A Life Together

Imagine if you couldn't marry the person you love? Parents dream of their children being happily married and settled into a lifetime, loving relationship. They don't dream of walking their son or daughter down the aisle into a domestic partnership. Marriage matters.

Vote Approve to Uphold the Freedom to Marry

The law allows caring and committed same-sex couples to be legally married. Committed same-sex couples are our neighbors, our friends and family, our co-workers. They should have the freedom to marry and build their lives together, without government interference. It's not for us to judge, or to deny them that opportunity.

Treat Everyone as We Want to Be Treated

Think of your own reasons for wanting to marry - you can imagine why same-sex couples dream of the happiness, security and responsibility of marriage. Same-sex couples may seem different, but when you talk with a committed same-sex couple, you realize they hope to marry for similar reasons as everyone else - to share and build a life together, to be there for each other, in good times and bad, in sickness and in health, and to make that special vow before family and friends to be together forever.

Vote Approve to Protect Religious Freedom

We are all God's children. This law guarantees religious freedom and won't change how each religion defines marriage. It protects the rights of clergy, churches, and religious organizations that don't perform or recognize same-sex marriages.

Rebuttal of Argument Against

Marriage is two people vowing their love and commitment together. Same-sex partners shouldn't be denied access to their loved one in emergencies because they aren't married. The American Academy of Pediatrics agrees legalizing same-sex marriage promotes healthy families and children. Washington State Psychological Association and Children's Alliance approve R-74. This law doesn't change existing anti-discrimination laws or schools. Lawsuits haven't increased in states with same-sex marriage. Liberty and pursuit of happiness are core American values.

Argument Prepared by

Kim Abel, Co-President, League of Women Voters of Washington; **Denise Klein**, CEO, Senior Services; **Chris Boerger**, Bishop, Northwest Washington Synod, Evangelical Lutheran Church; **Ed Murray**, State Senator, Born in Aberdeen; **Jamie Pedersen**, State Representative, Democrat; Born in Puyallup; **Maureen Walsh**, State Representative, Republican, Walla Walla; small business owner

Contact: (425) 954-3252;
info@WashingtonUnitedForMarriage.org;
www.WashingtonUnitedForMarriage.org

Argument Against
Referendum Measure 74

Marriage is more than a commitment between two loving people. It was created to benefit the next generation. Traditional marriage promotes child well-being because kids need both a mother and a father. Extensive social science shows that children do best when raised by their married parents.

The new marriage law passed by legislators did not enact same-sex marriage – it redefined marriage for all, stripping it of its essential man/woman nature and tossing common-sense out the window. Women can now be "husbands" and men can be "wives."

Our "Everything But Marriage" Law Already Provides Gays Full Legal Equality

Washington same-sex couples already enjoy full legal equality. The new marriage legislation did not provide any new substantive legal rights for gay couples.

Redefining marriage has consequences.

God's creation of marriage as the union of one man and one woman is the foundation of society and has served us well for thousands of years. People who disagree with this new definition could find themselves facing sanctions, as has occurred elsewhere. Church groups have lost their tax exemptions. Small businesses were sued. Wedding professionals have been fined. Charities opposing gay marriage were forced to end services. Young children were taught about gay marriage in public school.

Gays and lesbians are entitled to respect and to live as they choose, but they don't have a right to redefine marriage. Being opposed to same-sex marriage doesn't mean you dislike gays and lesbians. It means you support traditional marriage. Please *reject* R-74 to *reject* redefining marriage.

Rebuttal of Argument For

Proponents of Referendum 74 focus on what same-sex couples want. But marriage isn't only about *adults' desires*; it's about what *children need*. Marriage is society's way of connecting fathers and mothers to their children. Voters gave gay couples full legal equality through the "everything but marriage law" just two years ago. Referendum 74 will provide no new legal benefits; it redefines marriage for everyone and has serious consequences for society. Please, *reject* Referendum 74.

Argument Prepared by

Joseph Backholm, President Preserve Marriage Washington; **Joe Fuiten**, Senior Pastor Cedar Park Church; **Matt Shea**, State Representative, District 4

Contact: (425) 361-1548;
replies@preservemarriagewashington.com;
www.preservemarriagewashington.com

Initiative Measure

502

Proposed to the Legislature and Referred to the People:

Initiative Measure No. 502 concerns marijuana.

This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.

Should this measure be enacted into law?
[ ] Yes
[ ] No

Votes cast by the 2012 Legislature on final passage:
The Legislature did not vote on this measure.

The Official Ballot Title and Explanatory Statement were written by the Office of the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management as required by law. The Secretary of State is not responsible for the content of arguments or statements (WAC 434-381-180). The complete text of Initiative Measure 502 is located at the end of this pamphlet.

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

It is a crime under both Washington and federal law to grow, distribute, or possess marijuana, or to involve a minor in a marijuana-related offense.

State law generally makes these crimes felonies. People convicted of felonies can serve time in state prison. People who possess 40 grams or less of marijuana, however, commit a misdemeanor. It is also a misdemeanor to make, possess, or deliver any paraphernalia used to grow, store, conceal, or use marijuana. Those convicted of misdemeanors can serve up to 90 days in a local jail. Minors who grow, distribute, or possess marijuana can be punished through juvenile court.

It is not a state law crime, however, to grow, distribute or possess marijuana with respect to certain medical uses or with respect to medical research, under certain conditions.

Washington law also makes it illegal to drive under the influence of intoxicating liquor or any drug. State law provides that every person who drives in Washington has consented to a test to find out whether he or she has alcohol or any drug in his or her blood. The results of these tests can be used in criminal trials, and in proceedings to suspend, revoke, or deny a driver's license. The state can also suspend, revoke, or deny the driver's license of a person who refuses the test.

Like state law, federal law also makes it a crime to grow, distribute, or possess marijuana. People also commit a federal crime if they provide places for growing, distributing, or storing marijuana. It is also a federal crime to use a telephone to buy or sell marijuana. Federal law makes all of these crimes felonies, except that it makes possessing marijuana a misdemeanor. Like state law, federal law allows limited use of marijuana for medical research, but does not allow medical use of marijuana.

State law cannot modify the federal laws making it a crime to grow, distribute, or possess marijuana.

The Effect of the Proposed Measure, if Approved

For persons over age 21, this measure would remove state law criminal and civil prohibitions with respect to growing, manufacturing, distributing, and possessing marijuana consistent with a state marijuana licensing and regulatory system.

Without violating state law, people over age 21 could grow, distribute, or possess marijuana, as authorized under various types of licenses. People could only buy limited amounts of marijuana at a time, and possession of marijuana by people over age 21 in amounts that do not exceed that limit would not violate state law. It would still be a crime to grow, distribute, or possess marijuana except by following the licensing and other requirements of this measure.

A license to produce marijuana would make it legal under state law to grow marijuana. A license to process marijuana would make it legal under state law to process and package marijuana. It would also make it legal under state law to make products

that contain marijuana. Licensed producers and processors could sell marijuana at wholesale, but could not sell marijuana at retail directly to consumers. Licensed retailers could sell marijuana, and products containing marijuana, to consumers at retail. Licensed retailers could also sell paraphernalia items used to store or use marijuana.

It would cost $250 to apply for a license. It would also cost $1,000 every year to get and keep a license. A separate license would be required for each location. Locations could not be within 1,000 feet of any school, playground, recreation centers, child care center, park, transit center, library, or game arcade. Producers and processors could not have any financial interest in any licensed marijuana retailer.

It would still be a state law crime for a person under age 21 to grow, sell, or possess marijuana. It also would remain illegal under state law for anybody, including people who have licenses under this measure, to sell marijuana or products containing marijuana to people under 21 years old.

Licensed marijuana retailers could not sell any products other than marijuana and items used to store or use marijuana. Licensed marijuana retailers could not allow people under age 21 on their premises. Signs posted by licensed marijuana retailers that are visible to the public would be limited in size and content. No marijuana could be displayed in a way that is visible from a public place. It would be illegal to open or consume any marijuana product on the premises. Licensed marijuana retailers could be fined for violations. This measure would prohibit any person from opening a package containing marijuana in public view.

This measure would limit advertising of marijuana. Advertisements would need to be at least 1,000 feet away from any school, playground, recreation center, child care center, park, transit center, library, or game arcade. Advertisements would be banned from buses and light rail, and from government property.

The state could deny, suspend, or cancel licenses. Local governments could submit objections for the state to consider in determining whether to grant or renew a license. The state could inspect the premises of any license holder. Prior criminal conduct could be considered for purposes of granting, renewing, denying, suspending or revoking a license. The state could not issue a license to anybody under age 21. The state could adopt further rules to implement this measure.

This measure would require licensed producers and processors to submit marijuana samples to an independent lab for regular testing. The state would receive test results. Marijuana that does not satisfy state standards would be destroyed.

Sales of marijuana would be taxed. Marijuana excise taxes, in the amount of 25% of the selling price, would be collected on all sales of marijuana, at each level of production and distribution. Sale by a marijuana producer to a marijuana processor would be subject to a 25% tax. A sale by the processor to a retailer would be subject to an additional 25% tax. Sales of marijuana by a retailer would be subject to an additional 25% tax. State and local sales taxes would also apply to retail sales of marijuana.

The measure directs the state to spend designated amounts from the marijuana excise taxes, license fees, penalties, and forfeitures for certain purposes. Those purposes include spending fixed dollar amounts on: administration of this measure; a survey of youth regarding substance use and other information; a cost-benefit evaluation of the implementation of this measure; and web-based public education materials about health and safety risks posed by marijuana use. Remaining money would be distributed as follows: 50% for the state basic health plan; 15% for programs and practices aimed at prevention or reduction of substance abuse; 10% for marijuana education; 5% for other health services; 1% for research on short-term and long-terms effects of marijuana use; and .75% for a program that seeks to prevent school dropouts. The remaining 18.25% would be distributed to the state general fund.

This measure would also amend the law that prohibits driving under the influence. It would specifically prohibit driving under the influence of marijuana. Consent to testing to determine whether a driver's blood contains alcohol or any drug would specifically apply to marijuana as well. State law that currently specifies a level of blood alcohol concentration for driving under the influence would be amended to also specify a level of the active ingredient in marijuana. A person who drives with a higher blood concentration of that active ingredient, or who is otherwise under the influence of marijuana, would be guilty of driving under the influence. For persons under 21, any level of the active ingredient of marijuana would be prohibited.

Federal marijuana laws could still be enforced in Washington.

Fiscal Impact Statement

Written by the Office of Financial Management

Fiscal Impact through Fiscal Year 2017

Initiative 502 would license and regulate marijuana production and distribution; tax marijuana sales; earmark marijuana-related revenues; and specifically prohibit driving under the influence of marijuana. The total fiscal impact on state and local government revenues, expenditures and costs is indeterminate due to the significant uncertainties related to federal enforcement of federal criminal laws related to marijuana. However, the initiative's provisions related to driving under the influence of marijuana, which are not affected by federal criminal law enforcement, are estimated to generate known state fee revenue of $4,295,000 and known state agency costs of $2,754,000 over five fiscal years.

General Assumptions

- Federal laws classify marijuana as a controlled substance and provide criminal penalties for its manufacture, distribution, possession or use. These federal criminal laws are enforced by federal government agencies that act independently of state and local government law enforcement agencies. To the extent that the federal government continues to enforce its criminal laws related to marijuana, it would impede the activities permitted by this initiative.
- Estimates rely on published surveys and reports that acknowledge the difficulty in obtaining accurate and objective data due to the product's illegal nature. The inherent unreliability of existing data makes analysis extremely difficult.
- Portions of the initiative pertaining to driving under the influence of marijuana and the decriminalization of marijuana possession take effect Dec. 6, 2012. There is no date certain for implementation of the licensing and taxation portions of the initiative. Therefore, an implementation date of Dec. 1, 2013, is assumed for the purpose of developing estimates only.
- Practices authorized under Chapter 69.51A RCW for medical marijuana patients and designated providers are assumed unaffected by this initiative.
- Estimates are based on information provided by agencies for fiscal note 502 XIL created during the 2012 legislative session and subsequently updated and rounded to the nearest $1,000. State agencies estimates are not adjusted to account for the effect of federal criminal law enforcement on conduct authorized by the initiative.
- Estimates are described using the state's fiscal year (FY) of July 1 through June 30.

State and Local Government Revenue Estimates – Assumptions

The initiative creates a closed, highly regulated industry that does not presently exist anywhere. Unlike other agricultural commodities, production would be solely for in-state consumption. In addition, the licensure and regulation provisions of the initiative could ease federal criminal law enforcement activities by identifying marijuana producers, processors and retailers. These features may prevent the development of a functioning marijuana market. Consequently, the total amount of revenue generated to state and local government could be as low as zero. Assuming a fully functioning marijuana market and the assumptions following in this summary, estimated total revenue generated to the state could be as high as $1,943,936,000 over five fiscal years. Because the range of impact is wide, the estimated impact on state and local government revenues is indeterminate, but non-zero. See Table 3.1 and Table 3.2 for details on state and local revenue impacts assuming a fully functioning marijuana market.

Consumption Assumptions

There is no way to determine with precision the consumption of marijuana in the state before or after the effective date of the initiative. Therefore, for purposes of this fiscal impact statement only, an estimate of marijuana users was created using the U.S. Department of Health and Human Service, Substance Abuse and Mental Health Services Administration's National Survey on Drug Use and Health, 2008–2009 data for Washington. The survey estimates the percentage of marijuana users to be 17.18 percent for persons 18 to 25 years of age and 5.57 percent for those 26 years of age or older. Assuming Washington's population of marijuana users is increasing at the same rate as the national use contained in the survey, the number of users in calendar year 2013 is estimated to be 18.4 percent for persons 18 to 25 years of age and 6.1 percent for those 26 years of age or older. Applying those percentages to the state's forecasted 2013 population, estimates assume 363,000 Washington marijuana users in calendar year 2013. Estimates also assume a 3 percent increase in sales beginning in 2015 to account for population growth and inflation.

Frequency of consumption is estimated using the pattern contained in the United Nations Office on Drug and Crime, 2006 Bulletin on Narcotics, Review of the World Cannabis Situation, page 48. The frequency of consumption by users ranged from a low of 18 percent consuming once a year to 3 percent consuming daily. Applying this consumption pattern to an estimated 363,000 Washington marijuana users, and assuming 2 grams of marijuana per use, the number of grams consumed annually is estimated at 85,100,000 grams.

Estimates assume all users will purchase through a Washington State Liquor Control Board ("LCB") licensee; no assumption is made that a portion of these users will purchase from the illegal market or from medical marijuana retailers. No assumption is made about current medical marijuana users migrating sales to LCB-licensed retailers. No assumption is made about migration of consumers from out of state to purchase usable marijuana in Washington. No assumption is made on the consumption of marijuana-infused products. No assumption is made concerning any change in pricing or volume of sales of liquor, beer or wine.

License Revenue Assumptions

There is a $250 application fee and a $1,000 issuance/renewal fee for each marijuana licensee through LCB. All license fees are deposited into the Dedicated Marijuana Fund.

- We lack sufficient data to estimate the number of marijuana producers and marijuana processers who will apply for a license. Therefore, for purposes of this estimate, 100 marijuana producers and 55 marijuana processers (half of marijuana producers processing their own product and five additional processors) are assumed. No assumption is made for the number of processors of edible marijuana products because this market is unknown.
- The number of retail outlets, and thus retail licenses, is determined by LCB in consultation with the Office of Financial Management, taking into account population, security and safety issues, and discouraging purchases from illegal markets. The initiative also caps retail licenses by county. Given the initiative's similarities with previous state monopoly liquor laws, the number of retail outlets is estimated at 328 (the same number of state and contracted liquor stores that were in operation Dec. 31, 2011).
- Estimates assume that licensees will be charged fees for activities that are costs of doing business such as sampling, testing and labeling.

Tax Revenue Assumptions

The initiative creates marijuana excise taxes equal to 25 percent of the selling price on each wholesale sale and retail sale of marijuana from a licensed producer, processor or retailer. All funds from marijuana excise taxes are deposited into the Dedicated Marijuana Fund.

General state and local sales and use taxes apply to retail sales of tangible personal property, which includes usable marijuana. State sales tax is deposited into the State General Fund.

- Although some marijuana-infused products could be exempt from retail sales tax as a food product, no assumption is made to the consumption of these products. Therefore, the estimate assumes all marijuana consumed is subject to retail sales tax.
- Local government estimates use the statewide average local sales tax rate of 2.412 percent.

State business and occupation (B&O) taxes will apply to these activities. State B&O taxes are deposited into the State General Fund.

- The state B&O rate for retailers is 0.471 percent. The state B&O rate for processors and wholesalers is 0.484 percent.
- Estimates assume producers are exempt from state B&O tax under RCW 82.04.330 as these are sales of agricultural products.
- City B&O taxes may apply. Using data from the Washington State Department of Revenue's 2010 Tax Reference Manual, total local B&O tax is approximately 8.6 percent of total state B&O tax. Estimates assume this ratio for city B&O tax revenue impacts.

For all fiscal years, estimates assume a $3 per gram producer price, a $6 per gram processor price and a $12 per gram average retail purchase price.

- Prices are based on a review of current medical marijuana dispensary prices in this state.
- Estimates assume 50 percent of marijuana is both produced and processed by the same seller. The remaining 50 percent is produced and then sold to a processor.
- Estimates do not assume that increased consumption or competition will reduce prices.

Federal Fund Assumptions

State and local agencies are recipients of a variety of federal funds under mutual cooperation agreements with federal agencies to reduce drug trafficking and drug production in the United States. It is assumed that the state would no longer meet the requirements of a marijuana eradication grant between the Washington State Patrol and the U.S. Department of Justice, Drug Enforcement Administration, resulting in an estimated state revenue loss of $368,000 in FY 2014 (the estimated amount remaining of a $1.5 million grant on the effective date of the initiative). Other grants between the Washington State Patrol and the Office of National Drug Control Policy would also be at risk. Portions of these grants are passed through to local agencies. However, an estimated $202,000 of grant funds is not included as a state or local government revenue loss because it is not known what actions the Office of National Drug Control Policy will take under the terms of the grant. No revenue impact is estimated for local governments because it is assumed that grant funds will be fully spent by the effective date of the initiative.

Driver's License Administrative Actions Assumptions

The initiative adds presumptive levels of intoxication for tetrahydrocannabinol (THC) concentration when a driver is arrested for suspicion of driving under the influence (0.0 for drivers under the age of 21; 5.00 nanograms per milliliter of blood for drivers age 21 or older). The initiative adds the requirement that the Department of Licensing ("DOL") administratively suspend or revoke the driver's license of a person who tests above the presumptive level of THC. Assuming an estimated increase of 4 percent in the DOL workload for administrative suspension/revocation hearings, increased fee revenue to the state is estimated at $4,295,000 over five fiscal years.

State and Local Government Expenditure Estimates – Assumptions

Disbursements from the Dedicated Marijuana Fund are made quarterly by LCB to state agencies to expend for specific programs and services. Disbursements are also made to specific accounts. Expenditures are dependent on the amount of revenue generated under the initiative. Because revenues could be as low as zero, estimated expenditures could be as low as zero. However, assuming the revenue generated from a fully functioning market, estimated state expenditures from the Dedicated Marijuana Fund could be as high as $1,590,668,000 over five fiscal years. Because the range of impact is wide, the estimated impact on state and local government expenditures is indeterminate, but non-zero. See Table 3.3 for details on state distributions from the Dedicated Marijuana Fund assuming a fully functioning marijuana market.

The initiative generates an estimated range of zero to $349,341,000 over five fiscal years from state sales tax and state B&O taxes. These taxes are deposited into the State General Fund, which may be used for any governmental purpose as appropriated by the Legislature.

The initiative generates an estimated range of zero to $40,000 over five fiscal years from background check fees that are deposited into the Fingerprint Identification Account. Funds from this account may be used only to conduct identification record checks by the Washington State Patrol.

The initiative generates an estimated range of zero to $380,000 over five fiscal years from driving under the influence reissuance fees that are deposited into the Impaired Driver Safety Account. Funds from this account may be used only to fund projects to reduce impaired driving and provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug.

The initiative generates an estimated range of zero to $3,875,000 over five fiscal years from hearing fees and Ignition Interlock Driver's License application fees that are deposited into the Highway Safety Account. Funds from this account may be used only for carrying out the provisions of law relating to driver licensing, driver improvement programs and traffic safety programs.

The initiative generates an estimated range of zero to $119,786,000 over five fiscal years in local sales tax and city B&O taxes. The use of these funds will be determined at the local level or as authorized by state law.

State and Local Government Cost Estimate – Assumptions

Due to the uncertainty of enforcement of federal criminal laws related to marijuana, total state costs are indeterminate, but non-zero. However, assuming full implementation of the initiative and a fully functioning marijuana market, total state costs are estimated to increase to $65,726,000 over five fiscal years. See Table 3.4 for details on state cost impacts assuming a fully functioning marijuana market.

State Agency Implementation Cost Assumptions

State agency costs are estimated to be $62,972,000 over five fiscal years to implement licensing, regulation and taxation of marijuana and to implement the programs and services supported by the Dedicated Marijuana Fund. Costs by agency are as follows:

- LCB will incur costs estimated at $13,590,000 for rulemaking, licensure and enforcement of the initiative.
- The Department of Agriculture will incur a one-time cost of $26,000 to assist LCB in developing testing laboratory accreditation standards.
- The Washington State Patrol will incur costs estimated at $28,000 to conduct background checks for LCB license applicants.
- The Office of Administrative Hearings will incur costs estimated at $40,000 for appeals of LCB licensing denial, suspension and revocation actions.
- The Office of the Attorney General will incur costs estimated at $318,000 to provide legal services for advice to LCB.
- The Department of Revenue will incur costs estimated at $90,000 to administer tax collection programs from those licensed under the initiative.
- The Health Care Authority will incur costs estimated at $38,839,000, assuming that funds deposited into the Basic Health Plan Trust Account will be used to implement a program similar to the subsidized Basic Health Plan with increased eligibility to enroll.
- The Department of Social and Health Services and Department of Health will incur costs estimated at $10,041,000 to implement the programs and services funded through the Dedicated Marijuana Fund.
- The University of Washington and Washington State University will have costs related to the public education and research grants from the Dedicated Marijuana Fund. Because the scope of these tasks cannot be fully determined, costs to the institutions are indeterminate, but non-zero.

To the extent the federal government chooses to pursue criminal charges against state employees for the permitting, regulation or revenue collection aspects of the initiative, the state may incur additional costs for the defense of the employee for acts performed within the scope of employment (See RCW 10.01.150). Because it is not known what actions the federal criminal law enforcement agencies may take, this cost is indeterminate.

State and Local Government Law Enforcement Cost Assumptions

The state, counties and cities are anticipated to experience increased costs from additional driving while under the influence administrative actions, arrests, prosecutions and incarcerations. Data are not available to accurately predict the total amount of costs that will accrue to the state and local governments; however, some costs can be estimated. Known costs by state agency are estimated at $2,754,000 over five fiscal years:

- The Washington State Patrol will incur costs estimated at $2,118,000 for additional training to employees on marijuana impairment. County and city law enforcement agencies may also require additional training to employees on marijuana impairment, but the cost is indeterminate because the type of training and number of employees trained will be determined at the local level.
- The Washington State Patrol Toxicology Laboratory will incur costs estimated at $125,000 for blood testing for driving under the influence cases.
- The Department of Licensing will incur costs estimated at $423,000 to administratively suspend or revoke driver's licenses for driving under the influence.
- The Office of the Attorney General will incur costs estimated at $85,000 for defending judicial appeals of DOL driving under the influence decisions.
- The Administrative Office of the Courts will incur a one-time cost of $3,000 for information technology changes to the Judicial Information System.

The state, counties and cities are anticipated to experience decreased costs from fewer marijuana possession and use arrests, prosecutions and incarcerations. Data are not available to accurately predict the amount of savings that will accrue to the state and local governments. This estimate assumes that beginning Dec. 6, 2012, individuals 21 years of age or older are legally authorized to possess and use:

- One ounce of useable marijuana.
- Sixteen ounces of marijuana-infused product in solid form.
- Seventy-two ounces of marijuana-infused product in liquid form.
- Marijuana-related drug paraphernalia.

The fiscal impact statement does not estimate state costs or state savings due to social impacts from approval of the initiative.

Table 3.1 State Revenue Impact					
State Revenue Impact	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Dedicated Marijuana Fund	$0	$248,639,000	$434,201,000	$447,213,000	$460,615,000
Total State General Fund	$0	$47,418,000	$97,682,000	$100,611,000	$103,630,000
Fingerprint Identification Account	$8,000	$8,000	$8,000	$8,000	$8,000
Impaired Driver Safety Account	$48,000	$82,000	$83,000	$83,000	$84,000
Highway Safety Account	$505,000	$832,000	$839,000	$846,000	$853,000
Federal Grants	$0	- $368,000	$0	$0	$0
State Total	$561,000	$296,611,000	$532,813,000	$548,761,000	$565,190,000

Table 3.2 Local Revenue Impact				
Local Revenue Impact	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Total Local Sales Tax Revenue	$15,856,000	$32,664,000	$33,644,000	$34,653,000
Total Local B&O Tax Revenue	$403,000	$830,000	$855,000	$881,000
Local Total	$16,259,000	$33,494,000	$34,499,000	$35,534,000

Table 3.3 State Expenditure/Distribution of Dedicated Marijuana Fund				
State Expenditure/Distribution of Dedicated Marijuana Fund	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Washington State Dept. of Social and Health Services for the Healthy Youth Survey	$375,000	$500,000	$500,000	$500,000
Washington State Institute for Public Policy cost-benefit analysis of initiative. Disbursements end Sept. 1, 2032.	$150,000	$200,000	$200,000	$200,000
University of Washington Alcohol & Drug Abuse Institute for web-based public education materials	$15,000	$20,000	$20,000	$20,000
Washington State Liquor Control Board for administration	$3,750,000	$5,000,000	$5,000,000	$5,000,000
Washington State Dept. of Social and Health Services Behavioral Health and Recovery for prevention and reduction of substance abuse	$36,652,000	$64,272,000	$66,224,000	$68,234,000
Washington State Dept. of Health for marijuana education and public health programs	$24,435,000	$42,848,000	$44,149,000	$45,489,000
University of Washington for research on short- and long-term effects of marijuana use	$1,466,000	$2,571,000	$2,649,000	$2,729,000
Washington State University for research on short- and long-term effects of marijuana use	$977,000	$1,714,000	$1,766,000	$1,820,000
Deposit into Basic Health Plan Trust Account	$122,174,000	$214,241,000	$220,746,000	$227,447,000
Washington State Health Care Authority for health care contracts with community health centers to provide primary health and dental care, migrant health, maternity health care services	$12,217,000	$21,424,000	$22,075,000	$22,745,000
Building Bridges program	$733,000	$1,285,000	$1,324,000	$1,365,000
Deposit into State General Fund	$45,693,000	$80,126,000	$82,559,000	$85,065,000
State Total	$248,637,000	$434,201,000	$447,212,000	$460,614,000

Table 3.4 State Costs					
State Costs	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Liquor Control Board	$684,000	$5,151,000	$2,585,000	$2,585,000	$2,585,000
Dept. of Agriculture	$26,000	$0	$0	$0	$0
Washington State Patrol	$2,143,000	$32,000	$32,000	$32,000	$32,000
Office of Administrative Hearings	$0	$10,000	$10,000	$10,000	$10,000
Office of Attorney General	$111,000	$73,000	$73,000	$73,000	$73,000
Dept. of Revenue	$8,000	$61,000	$7,000	$7,000	$7,000
Health Care Authority	$0	$6,048,000	$10,605,000	$10,927,000	$11,259,000
Dept. of Social and Health Services	$0	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Dept. of Health	$0	$1,232,000	$1,603,000	$1,603,000	$1,603,000
Dept. of Licensing	$187,000	$59,000	$59,000	$59,000	$59,000
Administrative Office of the Courts	$3,000	$0	$0	$0	$0
State Total	$3,162,000	$13,666,000	$15,974,000	$16,296,000	$16,628,000

The 2012 Presidential Election is around the corner!

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→ Update my address
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For more information on Washington State elections visit **www.vote.wa.gov**

The deadline to register online or change your address has passed. If you are a new voter, you can still register to vote by visiting your county elections department in person. Contact information is located in the back of this pamphlet.

Argument For
Initiative Measure 502

Our current marijuana laws have failed. It's time for a new approach.

Initiative 502 frees law enforcement resources to focus on violent crime.

Treating adult marijuana use as a crime costs Washington State millions in tax dollars and ties up police, courts, and jail space. We should focus our scarce public safety dollars on real public safety threats.

Initiative 502 provides billions in new revenue for Washington State.

Regulating and taxing marijuana will generate over a half-billion dollars annually in new revenue for state and local government. New funding will go to health care, research, and drug prevention.

Initiative 502 takes away profits from organized crime.

Marijuana prohibition has wasted billions of American taxpayers' dollars and has made our communities less safe. Just as when we repealed alcohol Prohibition, we need to take the marijuana profits out of the hands of violent organized crime.

Initiative 502 protects our youth.

Decades of research show what works to prevent kids from abusing drugs. Based on this research, Initiative 502 restricts advertising and provides funding to proven prevention programs. It also provides funding to programs that help keep kids in school.

Rebuttal of Argument Against

502 puts public safety and public health first. 502 keeps marijuana illegal for people under 21 and sets a marijuana DUI standard like we have for alcohol. 502 also provides hundreds of millions in new revenue for drug prevention programs that work. Finally, almost all marijuana law enforcement is handled by state and local police – it's time for Washingtonians to decide Washington's laws, not the federal government. Get the facts: www.NewApproachWA.org. Vote Yes on 502.

Argument Prepared by

John McKay, U.S. Attorney, Western District of Washington, 2001-2007; **Kim Marie Thorburn**, M.D., former Spokane Regional Health District Director; **Leslie David Braxton**, Senior Pastor, New Beginnings Christian Fellowship; **Charles Mandigo**, former Seattle F.B.I. Special Agent in Charge; **Roger Roffman**, UW professor and marijuana dependence treatment professional; **Jolene Unsoeld**, U.S. Representative, 3rd Congressional District, 1989-1995

Contact: (206) 633-2012; Campaign@NewApproachWA.org; www.NewApproachWA.org

Argument Against
Initiative Measure 502

Two Different Perspectives Against Initiative 502:

If You Support Legalization, Vote No On I-502

I-502 would create laws that risk the incrimination of innocent people. The proposed per se DUI mandate will lead to guaranteed conviction rates of unimpaired drivers, due to an arbitrary, unscientific limit. A direct conflict with federal law will prevent any legal production, distribution, or retail of cannabis.

With no home growing permitted, and no legal retail system, individuals will be forced to the same black market that promotes violence and crime in our communities. I-502 creates situations in which state employees and business applicants can be charged with manufacture or delivery of marijuana, money laundering, or conspiracy, due to self-incrimination. Sharing marijuana with another adult constitutes felony delivery. To learn more, or to support real reform, visit www.SensibleWashington.org.

If You Support Safe & Healthy Communities, Vote No on I-502

Legalizing marijuana will greatly increase its availability and lead to more use, abuse, and addiction among adults and youth. Most 12th graders currently report not using marijuana because it is illegal. Marijuana recently surpassed alcohol as the number one reason youth enter substance abuse treatment. I-502 provides no funding for additional treatment costs leaving that burden to taxpayers.

I-502 creates new regulations without additional funds to enforce those regulations. Marijuana possession will still be illegal under federal law. This conflict leaves growers, users and employees who sell marijuana at risk for federal prosecution and taxes generated by I-502 subject to seizure by federal authorities.

Rebuttal of Argument For

We agree that it's time for a new approach, but not the one offered in Initiative 502. It conflicts with federal law, voiding the possibility of any newly generated tax revenue. It decriminalizes marijuana possession, but not retail or home growing, forcing people to the dangerous black market. This decreases public health and safety and supports organized crime. Furthermore, our state simply can't afford the increased social costs associated with this initiative.

Argument Prepared by

Anthony Martinelli, Sensible Washington Steering Committee member, Communications Co-Coordinator; **Douglas Hiatt**, Lawyer; **Gilbert Mobley**, MD, Diplomat, American Board of Emergency Medicine; **Jim Cooper**, Substance Abuse Prevention Professional, Community Organizer; **Steven Freng**, Psy.D., MSW, Chemical Dependency Prevention/Treatment Professional; **Ramona Leber**, Former Mayor City of Longview, Public Safety Advocate

Contact: (206) 799-8696; nooni502pac@gmail.com; www.SensibleWashington.org

Engrossed Senate Joint Resolution

8221

Proposed to the People by the Legislature
Amendment to the State Constitution:

The Legislature has proposed a constitutional amendment on implementing the Commission on State Debt recommendations regarding Washington's debt limit.

This amendment would, starting July 1, 2014, phase-down the debt limit percentage in three steps from nine to eight percent and modify the calculation date, calculation period, and the term general state revenues.

Should this constitutional amendment be:
[ ] Approved
[ ] Rejected

Votes cast by the 2012 Legislature on final passage:
Senate: Yeas, 38; Nays, 7; Absent, 0; Excused, 4
House: Yeas, 91; Nays, 7; Absent, 0; Excused, 0

The Official Ballot Title was written by the Legislature. The Explanatory Statement was written by the Office of the Attorney General as required by law. The Secretary of State is not responsible for the content of arguments or statements (WAC 434-381-180). The complete text of Engrossed Senate Joint Resolution 8221 is located at the end of this pamphlet.

Explanatory Statement

Written by the Office of the Attorney General

The Constitutional Provision as it Presently Exists

Article VIII, section 1 of the Washington State Constitution establishes a limit on the amount of certain debt the state may assume. It does so by limiting the annual cost of principal and interest payments the state may agree to pay. When contracting for new debt, the state may not agree to annual payments of principal and interest that would raise the total annual payments of principal and interest above nine percent of the average of the prior three years of "general state revenues," as defined by the Constitution.

Article VIII, section 1 defines "general state revenues" to be used in calculating the state debt limit. In general, the term includes all state moneys received in the state treasury that are not dedicated to a specific use. Examples of state moneys that are not part of "general state revenues" include fees or revenues derived from state ownership or operation of projects or facilities; federal and private grant moneys dedicated to specific purposes; money in retirement system funds; and money received from taxes levied for specific purposes (such as the state property tax, which is dedicated by statute to the support of common schools).

Not all state debt is subject to the debt limit in Article VIII, section 1. For example, bonds payable from the gas tax and motor vehicle license fees are excluded, as are bonds payable from income received from investing the Permanent Common School Fund.

Article VIII, section 1 pledges the full faith, credit, and taxing power of the state to the payment of debt created pursuant to the section.

The Effect of the Proposed Amendment, if Approved

The amendment would change the calculations for determining how much debt Washington may assume. First, it would reduce the percentage rate used in calculating the state debt limit, from 9.0 percent of "general state revenues," as currently provided; to 8.5 percent starting July 1, 2014; 8.25 percent starting July 1, 2016; and 8.0 percent starting July 1, 2034. The amendment also would clarify that this percentage rate calculation is

applied at the time the state enters into contracts to assume debt.

Second, beginning July 1, 2014, the amount of new debt that may be contracted each year would be calculated based on the average of the prior six years of "general state revenues," rather than the prior three years, as it is currently.

Third, the amendment would change the definition of "general state revenues" to include the state property tax, starting July 1, 2014. This change would allow the state property tax to be included in "general state revenues" when calculating the debt limit. The state property tax is dedicated by statute to the support of common schools, and that dedication to schools would not be changed by the amendment.

Fiscal Impact Statement

Written by the Office of Financial Management

Not required by law

Address Confidentiality Program

If you are a victim of domestic violence, sexual assault, trafficking, and/or stalking, or if you are a criminal justice participant who is a target of felony harassment because of the work you do, and have chosen not to register to vote because you are afraid your perpetrator will locate you through voter registration records, the Office of the Secretary of State has a program that might be able to help you.

The Address Confidentiality Program (ACP) works together with community domestic violence and sexual assault programs in an effort to help keep crime victims safer.

The ACP provides participants with a substitute address that can be used when conducting business with state or local government agencies. ACP participants are eligible to register as Protected Records Voters, meaning the registration information is not public record. All ACP participants must be referred to the program by a local domestic violence or sexual assault advocate who can help develop a comprehensive safety plan.

Call the ACP toll-free at (800) 822-1065 or visit www.sos.wa.gov/acp.

Argument For

Engrossed Senate Joint Resolution 8221

Washington's constitution limits the amount of money the state is allowed to borrow to finance capital investments in schools, university and college buildings, water, sewer and storm water projects, and other public infrastructure. Washington's excellent credit rating means borrowing costs are low. The state does not borrow to pay operating expenses.

The current limit lets debt capacity spike up during good economic times but drops sharply during recessions when more capacity is needed for job creation.

By lowering the constitutional debt limit from 9 percent to 8 percent and averaging over six years, this measure: Stabilizes and smoothes the state's ability to borrow; Gradually reduces the state's long-term debt burden; Lowers the share of the operating budget used to pay principal and interest (debt service) on the debt; Creates more stability for construction projects and improves the quality of long-term capital planning for education, recreation, and state facilities by averaging general state revenues over six years and including state property taxes in the debt limit calculation; Means less borrowing when construction costs are high and more capacity to borrow when costs are lower; and Keeps borrowing costs low by protecting our excellent credit rating. A downgrade would cost taxpayers millions. Good credit allows us to use taxpayer money for more projects instead of paying higher interest rates.

Vote yes to reduce our debt burden, plan our investments better, get a better deal for taxpayers, and create and sustain jobs here – not on Wall Street.

Rebuttal of Argument Against

Vote yes. SJR8221: Doesn't increase construction project costs – it keeps costs down by maintaining Washington's excellent credit rating. Doesn't reduce jobs – it preserves debt capacity for job-creating projects during economic downturns. Doesn't add costs to schools and local governments – state government funds only a small percent of their infrastructure costs now, which can continue without local tax increases. Doesn't take property taxes away from schools – these taxes must be spent on schools under current law.

Argument Prepared by

James McIntire, Washington State Treasurer, Democrat; **Hans Dunshee**, State Representative, 44th District, Democrat; **Linda Evans Parlette,** State Senator, 12th District, Republican; **Judy Warnick**, State Representative, 13th District, Republican; **Karen Fraser**, State Senator, 22nd District, Democrat

Contact: No information submitted

Argument Against

Engrossed Senate Joint Resolution 8221

Statement against Limiting the State's Infrastructure Investments

SJR 8221 should be rejected because it increases the costs of infrastructure investments, reduces jobs and shifts money away from schools to other programs. It will have dire unintended consequences for taxpayers.

Undermines Job Creation

Schools, community colleges, universities, skills centers, hospitals, water treatment plants, sewers and many other vital public infrastructure projects are funded directly through the state's capital budget. These projects ensure that Washington has quality facilities to foster economic, job and educational growth. *Support infrastructure investments necessary for economic growth: Vote no on SJR 8221.*

Tax Shift to Local Governments

By reducing the state's capacity to invest in infrastructure, it will shift the burden of funding school construction and other projects to local governments. Local governments pay higher interest rates on their bonds, resulting in increased project costs. Ultimately, local governments will have to increase taxes to pay for these projects and taxpayers will pay more for the same facilities. *Stop the need for local tax increases and vote no on SJR 8221.*

Shifts Property Tax Revenue Away from Schools

SJR 8221 takes property tax revenues away from schools and puts it into the state's general fund where it will compete against other programs. In the last two years, the legislature has taken roughly $2 billion from infrastructure programs and put it into operating programs. Now, SJR 8221 will do the same for school funding; shifting it to other programs. *Protect school funding and vote no on SJR 8221.*

Rebuttal of Argument For

Washington State has an excellent credit rating because our debt level is low and as a result we have been rewarded with record low interest rates. SJR 8221 would increase the cost of bond financing by shifting construction financing to revenue bonds or local government bonds, which carry much higher interest rates. SJR 8221 shifts property taxes away from schools. We can't afford SJR 8221. Vote no on SJR 8221 and protect Washington jobs.

Argument Prepared by

Marc Jenefsky, AIA, President, American Institute of Architects Washington Council; **Bob Hasegawa**, State Representative, 11th District; **Maralyn Chase**, State Senator, 32nd District; **Jeff Johnson**, President, Washington State Labor Council, AFL-CIO; **Dave Myers**, Executive Secretary, Washington State Building Construction Trades Council

Contact: (360) 943-6012; office@aiawa.org; www.aiawa.org

Senate Joint Resolution

8223

Proposed to the People by the Legislature
Amendment to the State Constitution:

The Legislature has proposed a constitutional amendment on investments by the University of Washington and Washington State University.

This amendment would create an exception to constitutional restrictions on investing public funds by allowing these universities to invest specified public funds as authorized by the legislature, including in private companies or stock.

Should this constitutional amendment be:
[ ] Approved
[ ] Rejected

Votes cast by the 2012 Legislature on final passage:
House: Yeas, 93; Nays, 4; Absent, 0; Excused, 1
Senate: Yeas, 45; Nays, 4; Absent, 0; Excused, 0

The Official Ballot Title and the Explanatory Statement were written by the Office of the Attorney General as required by law. The Secretary of State is not responsible for the content of arguments or statements (WAC 434-381-180). The complete text of Senate Joint Resolution 8223 is located at the end of this pamphlet.

Explanatory Statement

Written by the Office of the Attorney General

The Constitutional Provision as it Presently Exists

The state constitution generally limits the investment of state funds. Article VIII, sections 5 and 7 and article XII, section 9 prohibit the investment of state funds in the stocks and bonds of private companies, associations, or corporations. Previous constitutional amendments have made exceptions to these restrictions to permit the legislature to authorize investment of certain funds in private stocks and bonds. Funds that currently may be invested in private stocks and bonds include public pension and retirement funds, industrial insurance (workers' compensation) funds, funds held in trust for persons with developmental disabilities, the permanent common school fund, and permanent higher education funds. Permanent higher education funds are funds primarily derived from the sale, lease, or management of lands granted by the United States to the State of Washington at statehood for educational purposes.

The Effect of the Proposed Amendment, if Approved

If the amendment were adopted, it would create a new exception to the constitutional restrictions on investing public funds. The state constitution would no longer prohibit investment of public monies of the University of Washington and Washington State University in private stocks and bonds. The legislature would specify which funds of the universities could be invested and determine how the funds could be invested.

Fiscal Impact Statement

Written by the Office of Financial Management

Not required by law

Argument For

Senate Joint Resolution 8223

Senate Joint Resolution 8223 – Taking a stand for higher education

The global recession has resulted in historic reductions in funding for public higher education. These cuts have caused universities to limit course offerings, which has made it more difficult for students to enroll in the classes they need to graduate. Washington now ranks 40th nationally in terms of the percentage of residents with a bachelor's degree or more.

SJR 8223, supported by broad bipartisan majorities in the Legislature, would support Washington students by providing new dollars to our public universities without more tax revenue.

The citizens of Washington have already amended this section of the State Constitution in order to allow higher return investments of pension and retirement funds and other public funds. Allowing this investment authority for University of Washington and Washington State University funds is a common sense way to maximize funding for higher education. Already, the Legislature and voters have granted the very same investment authority for University trust land revenues.

Finally, all investments will be managed on behalf of the universities by the highly-regarded professionals at the Washington State Investment Board, which is bound by the highest fiduciary standards.

Vote yes for Senate Joint Resolution 8223 to provide a more secure future for our students. *Mr. Gates and Mr. Carson have signed this statement in their individual capacities as private citizens and do not speak for the University of Washington and Washington State University nor their respective Board of Regents.*

Rebuttal of Argument Against

With state cuts threatening access and quality of higher education, SJR 8223 is common sense, responsible reform that mitigates increased reliance on tuition. Supported by students, the State Treasurer and bi-partisan elected leaders, this amendment allows existing, dedicated non-state funds to be invested responsibly for maximum benefit. The State Investment Board – not universities – will invest funds, guaranteeing independent oversight. To prepare the business and civic leaders of tomorrow requires taking action today. Vote yes!

Argument Prepared by

Lisa Brown, State Senator, Senate Majority Leader; **Larry Seaquist**, State Representative, Chair, House Higher Education Committee; **Bill Gates, Sr**., Regent, University of Washington; **Scott Carson**, Regent, Washington State University

Contact: sjr8223@yahoo.com

Argument Against

Senate Joint Resolution 8223

This proposed Constitutional amendment does not support higher education. It gambles with students' tuition and other public funds rather than investing in education.

Big Change

This amendment is tied to a new law (SSB 6468) that allows UW and WSU to declare public money "not needed for immediate expenditure" and gamble that money in the stock market, with no limits on what they can declare "not needed" or how they can invest. Once the Constitution is changed, and with universities' new unlimited tuition setting authority, all bets are off for what comes next.

Profit or Loss?

In 2009 UW's endowment lost half a billion dollars in stocks. Gambling on Wall Street will have disastrous effects when the stock market crashes again, cutting into university operating funds.

Holding Back

UW and WSU held $1.5 billion in cash during the financial crisis. They fired workers, cut services, and increased tuition, making things worse. They prioritized holding cash over instructional programs. They are rich, but plead poor.

Education Last

UW and WSU want "flexibility" to run peripheral enterprises - hospitals, internal banks, venture funds, sports teams - by holding public money as collateral. "Flexibility" means making education last in line for support. *Greed Mentality.* This is a bad Constitutional amendment. It perpetuates the greed mentality Wall Street wants us to buy into. Do you want UW and WSU speculating on stocks or investing in education? *Vote No.* Send UW and WSU a clear message about our education priorities.

Rebuttal of Argument For

The proposed exception allows UW and WSU to gamble on stocks with *operating funds*. Prior constitutional exceptions are for trust funds. The State Investment Board also lost 23% in the crash. The scheme diverts from operations, without limitations, ten times the money it might make, and no guarantee that proceeds will ever support students. The legislature voted to let the public decide if this is bad policy. Don't let universities divert operating funds to stocks.

Argument Prepared by

Gerald Barnett, Ph.D., Citizen; **Maralyn Chase**, State Senator, 32nd District; **Bob Hasegawa**, State Representative, 11th District; **Jim McCune**, State Representative, 2nd District; **Sharon Tomiko Santos**, State Representative, 37th District

Contact: (206) 587-5554; Info@publicmission.org; www.publicmission.org

Advisory Vote

1

Engrossed Senate Bill 6635

Advisory Vote of the People

The legislature eliminated, without a vote of the people, a business and occupation tax deduction for certain financial institutions' interest on residential loans, costing $170,000,000 in its first ten years, for government spending.

This tax increase should be:
[ ] Repealed
[ ] Maintained

The official short description was written by the Office of the Attorney General as required by law. The ten-year cost projection was provided by the Office of Financial Management as required by law. The Secretary of State is not responsible for this content (WAC 434-381-180).

What is an Advisory Vote?

Advisory Votes are non-binding; the results do not change the law.

You are advising the Legislature whether, in your opinion, this tax increase should be repealed or maintained.

Repealed - you *don't favor* the tax increase passed by the Legislature.

Maintained - you *favor* the tax increase passed by the Legislature.

Advisory Votes are the result of Initiative 960, approved by voters in 2007. The voters' pamphlet content required for Advisory Votes differs from other state ballot measures (RCW 29A.32.070).

For additional information about Engrossed Senate Bill 6635, including the complete text of the bill, visit **www.vote.wa.gov/completetext** or call (800) 448-4881.

Ten-Year Cost Projection

Provided by the Office of Financial Management

Engrossed Senate Bill 6635						
Fiscal Year	B&O Tax: Certain Financial Institutions	B&O Tax: Manufacturers of Agricultural Products	B&O Tax: Newspapers	Leasehold Excise Tax: Publicly Owned Cargo Cranes and Docks	Retail Sales Tax: Data Center Server Equipment	Total
2012						
2013	$14,472,000	-$6,692,000	-$7,000	-$5,027,000		$2,746,000
2014	$15,080,000	-$7,300,000	-$8,000	-$5,749,000	-$2,384,000	-$361,000
2015	$17,296,000	-$7,300,000	-$7,000	-$6,026,000	-$4,769,000	-$806,000
2016	$19,144,000			-$6,317,000	-$7,153,000	$5,674,000
2017	$20,704,000			-$6,622,000	-$11,922,000	$2,160,000
2018	$20,704,000			-$6,942,000	-$11,922,000	$1,840,000
2019	$20,704,000			-$7,277,000	-$11,922,000	$1,505,000
2020	$20,704,000			-$7,629,000	-$14,306,000	-$1,231,000
2021	$20,704,000			-$7,997,000		$12,707,000
Total	$169,512,000	-$21,292,000	-$22,000	-$59,586,000	-$64,378,000	$24,234,000

Why doesn't the cost of the tax increase match the total ten-year cost projection?

The estimated cost of the Business and Occupation (B&O) tax increase is $170 million, rounded to the nearest million as required by I-960.

ESB 6635 also decreases other taxes. The $24,234,000 total includes those tax decreases.

Final passage votes for Engrossed Senate Bill 6635

Senate: Yeas, 35

District 1
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District 6
Sen. Michael Baumgartner
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District 8
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District 10
Sen. Mary Margaret Haugen
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District 11
Sen. Margarita Prentice
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District 12
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District 13
Sen. Janéa Holmquist Newbry
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District 14
Sen. Curtis King
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District 15
Sen. Jim Honeyford
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District 18
Sen. Joe Zarelli
(R, Vancouver), no longer in office

District 19
Sen. Brian Hatfield
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Sen. Dan Swecker
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Sen. Pam Roach
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Sen. Tim Sheldon
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Sen. Jeanne Kohl-Welles
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District 37
Sen. Adam Kline
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District 38
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Sen. Andy Hill
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District 47
Sen. Joe Fain
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District 48
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District 49
Sen. Craig Pridemore
(D, Vancouver), (360) 786-7696, craig.pridemore@leg.wa.gov

Senate: Nays, 10

District 4
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District 9
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District 17
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District 23
Sen. Christine Rolfes
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District 28
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District 33
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District 34
Sen. Sharon Nelson
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District 40
Sen. Kevin Ranker
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District 42
Sen. Doug Ericksen
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District 46
Sen. David Frockt
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Senate: Absent, 1

District 5
Sen. Cheryl Pflug
(R, Maple Valley), no longer in office

Senate: Excused, 3

District 7
Sen. Bob Morton
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District 16
Sen. Mike Hewitt
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District 39
Sen. Val Stevens
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Initiative 960, approved by voters in 2007, requires each Advisory Vote to include a list of every Legislator, how they voted on the bill, and their party preference, hometown, and contact information.

House of Representatives: Yeas, 74

District 1
Rep. Derek Stanford
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District 37
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District 39
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District 40
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Rep. Jeff Morris
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Initiative 960, approved by voters in 2007, requires each Advisory Vote to include a list of every Legislator, how they voted on the bill, and their party preference, hometown, and contact information.

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Rep. Judy Clibborn
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District 42
Rep. Jason Overstreet
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Rep. Vincent Buys
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District 43
Rep. Frank Chopp
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District 44
Rep. Hans Dunshee
(D, Snohomish), (360) 786-7804, hans.dunshee@leg.wa.gov

District 45
Rep. Roger Goodman
(D, Kirkland), (360) 786-7878, roger.goodman@leg.wa.gov

Rep. Larry Springer
(D, Kirkland), (360) 786-7822, larry.springer@leg.wa.gov

District 46
Rep. Gerry Pollet
(D, Seattle), (360) 786-7886, gerry.pollet@leg.wa.gov

Rep. Phyllis Gutierrez Kenney
(D, Seattle), (360) 786-7818, phyllis.kenney@leg.wa.gov

District 47
Rep. Mark Hargrove
(R, Covington), (360) 786-7918, mark.hargrove@leg.wa.gov

Rep. Pat Sullivan
(D, Covington), (360) 786-7858, pat.sullivan@leg.wa.gov

District 48
Rep. Ross Hunter
(D, Bellevue), (360) 786-7936, ross.hunter@leg.wa.gov

Rep. Deb Eddy
(D, Kirkland), (360) 786-7848, deborah.eddy@leg.wa.gov

District 49
Rep. Sharon Wylie
(D, Vancouver), (360) 786-7924, sharon.wylie@leg.wa.gov

House of Representatives: Nays, 24

District 11
Rep. Zack Hudgins
(D, Tukwila), (360) 786-7956, zack.hudgins@leg.wa.gov

Rep. Bob Hasegawa
(D, Seattle), (360) 786-7862, bob.hasegawa@leg.wa.gov

District 15
Rep. Bruce Chandler
(R, Granger), (360) 786-7960, bruce.chandler@leg.wa.gov

Rep. David Taylor
(R, Moxee), (360) 786-7874, david.taylor@leg.wa.gov

District 17
Rep. Tim Probst
(D, Vancouver), (360) 786-7994, tim.probst@leg.wa.gov

District 18
Rep. Ann Rivers
(R, LaCenter), (360) 786-7634, ann.rivers@leg.wa.gov

District 21
Rep. Mary Helen Roberts
(D, Lynnwood), (360) 786-7950, maryhelen.roberts@leg.wa.gov

District 22
Rep. Chris Reykdal
(D, Tumwater), (360) 786-7940, chris.reykdal@leg.wa.gov

District 23
Rep. Sherry Appleton
(D, Poulsbo), (360) 786-7934, sherry.appleton@leg.wa.gov

Rep. Drew Hansen
(D, Bainbridge Island), (360) 786-7842, drew.hansen@leg.wa.gov

District 24
Rep. Steve Tharinger
(D, Dungeness), (360) 786-7904, steve.tharinger@leg.wa.gov

District 27
Rep. Jeannie Darneille
(D, Tacoma), (360) 786-7974, j.darneille@leg.wa.gov

District 29
Rep. Connie Ladenburg
(D, Tacoma), (360) 786-7906, connie.ladenburg@leg.wa.gov

District 31
Rep. Christopher Hurst
(D, Enumclaw), (360) 786-7866, christopher.hurst@leg.wa.gov

District 32
Rep. Cindy Ryu
(D, Seattle), (360) 786-7880, cindy.ryu@leg.wa.gov

Rep. Ruth Kagi
(D, Lake Forest Park), (360) 786-7910, ruth.kagi@leg.wa.gov

District 33
Rep. Tina Orwall
(D, Normandy Park), (360) 786-7834, tina.orwall@leg.wa.gov

Rep. Dave Upthegrove
(D, Des Moines), (360) 786-7868, dave.upthegrove@leg.wa.gov

District 34
Rep. Joe Fitzgibbon
(D, Burien), (360) 786-7952, joe.fitzgibbon@leg.wa.gov

District 36
Rep. Reuven Carlyle
(D, Seattle), (360) 786-7814, reuven.carlyle@leg.wa.gov

District 38
Rep. John McCoy
(D, Tulalip), (360) 786-7864, john.mccoy@leg.wa.gov

District 43
Rep. Jamie Pedersen
(D, Seattle), (360) 786-7826, jamie.pedersen@leg.wa.gov

District 44
Rep. Mike Hope
(R, Lake Stevens), (360) 786-7892, mike.hope@leg.wa.gov

District 49
Rep. Jim Moeller
(D, Vancouver), (360) 786-7872, jim.moeller@leg.wa.gov

House of Representatives: Absent, 0

House of Representatives: Excused, 0

Initiative 960, approved by voters in 2007, requires each Advisory Vote to include a list of every Legislator, how they voted on the bill, and their party preference, hometown, and contact information.

Advisory Vote

2

Substitute House Bill 2590

Advisory Vote of the People

The legislature extended, without a vote of the people, expiration of a tax on possession of petroleum products and reduced the tax rate, costing $24,000,000 in its first ten years, for government spending.

This tax increase should be:
[ ] Repealed
[ ] Maintained

The official short description was written by the Office of the Attorney General as required by law. The ten-year cost projection was provided by the Office of Financial Management as required by law. The Secretary of State is not responsible for this content (WAC 434-381-180).

What is an Advisory Vote?

Advisory Votes are non-binding; the results do not change the law.

You are advising the Legislature whether, in your opinion, this tax increase should be repealed or maintained.

Repealed - you *don't favor* the tax increase passed by the Legislature.

Maintained - you *favor* the tax increase passed by the Legislature.

Advisory Votes are the result of Initiative 960, approved by voters in 2007. The voters' pamphlet content required for Advisory Votes differs from other state ballot measures (RCW 29A.32.070).

For additional information about Substitute House Bill 2590, including the complete text of the bill, visit **www.vote.wa.gov/completetext** or call (800) 448-4881.

Ten-Year Cost Projection

Provided by the Office of Financial Management

Substitute House Bill 2590	
Fiscal Year	**Petroleum Products Tax**
2012	
2013	
2014	
2015	
2016	
2017	$20,209,000
2018	$4,279,000
2019	
2020	
2021	
Total	$24,488,000

Final passage votes for Substitute House Bill 2590

House of Representatives: Yeas, 93

District 1
Rep. Derek Stanford
(D, Bothell), (360) 786-7928, derek.stanford@leg.wa.gov

Rep. Luis Moscoso
(D, Mountlake Terrace), (360) 786-7900, luis.moscoso@leg.wa.gov

District 2
Rep. Jim McCune
(R, Graham), (360) 786-7824, jim.mccune@leg.wa.gov

Rep. J.T. Wilcox
(R, Yelm), (360) 786-7912, jt.wilcox@leg.wa.gov

District 3
Rep. Andy Billig
(D, Spokane), (360) 786-7888, andy.billig@leg.wa.gov

Rep. Timm Ormsby
(D, Spokane), (360) 786-7946, timm.ormsby@leg.wa.gov

District 4
Rep. Larry Crouse
(R, Spokane Valley), (360) 786-7820, larry.crouse@leg.wa.gov

Rep. Matt Shea
(R, Spokane Valley), (360) 786-7984, matt.shea@leg.wa.gov

District 6
Rep. Kevin Parker
(R, Spokane), (360) 786-7922, kevin.parker@leg.wa.gov

Rep. John Ahern
(R, Spokane), (360) 786-7962, john.ahern@leg.wa.gov

District 7
Rep. Shelly Short
(R, Addy), (360) 786-7908, shelly.short@leg.wa.gov

Rep. Joel Kretz
(R, Wauconda), (360) 786-7988, joel.kretz@leg.wa.gov

District 8
Rep. Brad Klippert
(R, Kennewick), (360) 786-7882, brad.klippert@leg.wa.gov

Rep. Larry Haler
(R, Richland), (360) 786-7986, larry.haler@leg.wa.gov

District 9
Rep. Susan Fagan
(R, Pullman), (360) 786-7942, susan.fagan@leg.wa.gov

Rep. Joe Schmick
(R, Colfax), (360) 786-7844, joe.schmick@leg.wa.gov

District 10
Rep. Norma Smith
(R, Clinton), (360) 786-7884, norma.smith@leg.wa.gov

Rep. Barbara Bailey
(R, Oak Harbor), (360) 786-7914, barbara.bailey@leg.wa.gov

District 11
Rep. Zack Hudgins
(D, Tukwila), (360) 786-7956, zack.hudgins@leg.wa.gov

Rep. Bob Hasegawa
(D, Seattle), (360) 786-7862, bob.hasegawa@leg.wa.gov

District 12
Rep. Cary Condotta
(R, East Wenatchee), (360) 786-7954, cary.condotta@leg.wa.gov

Rep. Mike Armstrong
(R, Wenatchee), (360) 786-7832, mike.armstrong@leg.wa.gov

District 13
Rep. Judy Warnick
(R, Moses Lake), (360) 786-7932, judy.warnick@leg.wa.gov

District 14
Rep. Norm Johnson
(R, Yakima), (360) 786-7810, norm.johnson@leg.wa.gov

Rep. Charles Ross
(R, Naches), (360) 786-7856, charles.ross@leg.wa.gov

District 15
Rep. Bruce Chandler
(R, Granger), (360) 786-7960, bruce.chandler@leg.wa.gov

Rep. David Taylor
(R, Moxee), (360) 786-7874, david.taylor@leg.wa.gov

District 16
Rep. Maureen Walsh
(R, Walla Walla), (360) 786-7836, maureen.walsh@leg.wa.gov

Rep. Terry Nealey
(R, Dayton), (360) 786-7828, terry.nealey@leg.wa.gov

District 17
Rep. Tim Probst
(D, Vancouver), (360) 786-7994, tim.probst@leg.wa.gov

Rep. Paul Harris
(R, Vancouver), (360) 786-7976, paul.harris@leg.wa.gov

District 18
Rep. Ann Rivers
(R, LaCenter), (360) 786-7634, ann.rivers@leg.wa.gov

Rep. Ed Orcutt
(R, Kalama), (360) 786-7812, ed.orcutt@leg.wa.gov

District 19
Rep. Dean Takko
(D, Longview), (360) 786-7806, dean.takko@leg.wa.gov

Rep. Brian Blake
(D, Aberdeen), (360) 786-7870, brian.blake@leg.wa.gov

District 20
Rep. Richard DeBolt
(R, Chehalis), (360) 786-7896, richard.debolt@leg.wa.gov

Rep. Gary Alexander
(R, Olympia), (360) 786-7990, gary.alexander@leg.wa.gov

District 21
Rep. Mary Helen Roberts
(D, Lynnwood), (360) 786-7950, maryhelen.roberts@leg.wa.gov

Rep. Marko Liias
(D, Mukilteo), (360) 786-7972, marko.liias@leg.wa.gov

District 22
Rep. Chris Reykdal
(D, Tumwater), (360) 786-7940, chris.reykdal@leg.wa.gov

Rep. Sam Hunt
(D, Olympia), (360) 786-7992, sam.hunt@leg.wa.gov

District 23
Rep. Sherry Appleton
(D, Poulsbo), (360) 786-7934, sherry.appleton@leg.wa.gov

Rep. Drew Hansen
(D, Bainbridge Island), (360) 786-7842, drew.hansen@leg.wa.gov

District 24
Rep. Kevin Van De Wege
(D, Sequim), (360) 786-7916, kevin.vandewege@leg.wa.gov

Rep. Steve Tharinger
(D, Dungeness), (360) 786-7904, steve.tharinger@leg.wa.gov

District 25
Rep. Bruce Dammeier
(R, Puyallup), (360) 786-7948, bruce.dammeier@leg.wa.gov

Rep. Hans Zeiger
(R, Puyallup), (360) 786-7968, hans.zeiger@leg.wa.gov

District 26
Rep. Jan Angel
(R, Port Orchard), (360) 786-7964, jan.angel@leg.wa.gov

District 27
Rep. Laurie Jinkins
(D, Tacoma), (360) 786-7930, laurie.jinkins@leg.wa.gov

Rep. Jeannie Darneille
(D, Tacoma), (360) 786-7974, j.darneille@leg.wa.gov

District 28
Rep. Troy Kelley
(D, Tacoma), (360) 786-7890, troy.kelley@leg.wa.gov

Rep. Tami Green
(D, Lakewood), (360) 786-7958, tami.green@leg.wa.gov

District 29
Rep. Connie Ladenburg
(D, Tacoma), (360) 786-7906, connie.ladenburg@leg.wa.gov

Rep. Steve Kirby
(D, Tacoma), (360) 786-7996, steve.kirby@leg.wa.gov

District 30
Rep. Mark Miloscia
(D, Federal Way), (360) 786-7898, mark.miloscia@leg.wa.gov

Rep. Katrina Asay
(R, Milton), (360) 786-7830, katrina.asay@leg.wa.gov

Initiative 960, approved by voters in 2007, requires each Advisory Vote to include a list of every Legislator, how they voted on the bill, and their party preference, hometown, and contact information.

District 31
Rep. Cathy Dahlquist
(R, Enumclaw), (360) 786-7846, cathy.dahlquist@leg.wa.gov

Rep. Christopher Hurst
(D, Enumclaw), (360) 786-7866, christopher.hurst@leg.wa.gov

District 32
Rep. Cindy Ryu
(D, Seattle), (360) 786-7880, cindy.ryu@leg.wa.gov

Rep. Ruth Kagi
(D, Lake Forest Park), (360) 786-7910, ruth.kagi@leg.wa.gov

District 33
Rep. Tina Orwall
(D, Normandy Park), (360) 786-7834, tina.orwall@leg.wa.gov

Rep. Dave Upthegrove
(D, Des Moines), (360) 786-7868, dave.upthegrove@leg.wa.gov

District 34
Rep. Eileen Cody
(D, Seattle), (360) 786-7978, eileen.cody@leg.wa.gov

Rep. Joe Fitzgibbon
(D, Burien), (360) 786-7952, joe.fitzgibbon@leg.wa.gov

District 35
Rep. Kathy Haigh
(D, Shelton), (360) 786-7966, kathy.haigh@leg.wa.gov

Rep. Fred Finn
(D, Belfair), (360) 786-7902, fred.finn@leg.wa.gov

District 36
Rep. Reuven Carlyle
(D, Seattle), (360) 786-7814, reuven.carlyle@leg.wa.gov

Rep. Mary Lou Dickerson
(D, Seattle), (360) 786-7860, marylou.dickerson@leg.wa.gov

District 37
Rep. Sharon Tomiko Santos
(D, Seattle), (360) 786-7944, sharontomiko.santos@leg.wa.gov

Rep. Eric Pettigrew
(D, Seattle), (360) 786-7838, eric.pettigrew@leg.wa.gov

District 38
Rep. John McCoy
(D,Tulalip), (360) 786-7864, john.mccoy@leg.wa.gov

Rep. Mike Sells
(D, Everett), (360) 786-7840, mike.sells@leg.wa.gov

District 39
Rep. Dan Kristiansen
(R, Snohomish), (360) 786-7967, dan.kristiansen@leg.wa.gov

Rep. Kirk Pearson
(R, Monroe), (360) 786-7816, kirk.pearson@leg.wa.gov

District 40
Rep. Kristine Lytton
(D, Anacortes), (360) 786-7800, kristine.lytton@leg.wa.gov

Rep. Jeff Morris
(D, Anacortes), (360) 786-7970, jeff.morris@leg.wa.gov

District 41
Rep. Marcie Maxwell
(D, Renton), (360) 786-7894, marcie.maxwell@leg.wa.gov

Rep. Judy Clibborn
(D, Mercer Island), (360) 786-7926, judy.clibborn@leg.wa.gov

District 42
Rep. Vincent Buys
(R, Lynden), (360) 786-7854, vincent.buys@leg.wa.gov

District 43
Rep. Jamie Pedersen
(D, Seattle), (360) 786-7826, jamie.pedersen@leg.wa.gov

Rep. Frank Chopp
(D, Seattle), (360) 786-7920, frank.chopp@leg.wa.gov

District 44
Rep. Hans Dunshee
(D, Snohomish), (360) 786-7804, hans.dunshee@leg.wa.gov

Rep. Mike Hope
(R, Lake Stevens), (360) 786-7892, mike.hope@leg.wa.gov

District 45
Rep. Roger Goodman
(D, Kirkland), (360) 786-7878, roger.goodman@leg.wa.gov

Rep. Larry Springer
(D, Kirkland), (360) 786-7822, larry.springer@leg.wa.gov

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(D, Seattle), (360) 786-7886, gerry.pollet@leg.wa.gov

Rep. Phyllis Gutierrez Kenney
(D, Seattle), (360) 786-7818, phyllis.kenney@leg.wa.gov

District 47
Rep. Mark Hargrove
(R, Covington), (360) 786-7918, mark.hargrove@leg.wa.gov

Rep. Pat Sullivan
(D, Covington), (360) 786-7858, pat.sullivan@leg.wa.gov

District 48
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(D, Bellevue), (360) 786-7936, ross.hunter@leg.wa.gov

Rep. Deb Eddy
(D, Kirkland), (360) 786-7848, deborah.eddy@leg.wa.gov

District 49
Rep. Sharon Wylie
(D, Vancouver), (360) 786-7924, sharon.wylie@leg.wa.gov

Rep. Jim Moeller
(D, Vancouver), (360) 786-7872, jim.moeller@leg.wa.gov

House of Representatives: Nays, 1

District 42
Rep. Jason Overstreet
(R, Lynden), (360) 786-7980, jason.overstreet@leg.wa.gov

House of Representatives: Absent, 0

House of Representatives: Excused, 4

District 5
Rep. Jay Rodne
(R, North Bend), (360) 786-7852, jay.rodne@leg.wa.gov

Rep. Glenn Anderson
(R, Fall City), (360) 786-7876, glenn.anderson@leg.wa.gov

District 13
Rep. Bill Hinkle
(R, Cle Elum), (360) 786-7808, bill.hinkle@leg.wa.gov

District 26
Rep. Larry Seaquist
(D, Gig Harbor), (360) 786-7802, larry.seaquist@leg.wa.gov

Initiative 960, approved by voters in 2007, requires each Advisory Vote to include a list of every Legislator, how they voted on the bill, and their party preference, hometown, and contact information.

Senate: Yeas, 40

District 1
Sen. Rosemary McAuliffe
(D, Bothell), (360) 786-7600, rosemary.mcauliffe@leg.wa.gov

District 2
Sen. Randi Becker
(R, Eatonville), (360) 786-7602, randi.becker@leg.wa.gov

District 3
Sen. Lisa Brown
(D, Spokane), (360) 786-7604, lisa.brown@leg.wa.gov

District 4
Sen. Mike Padden
(R, Spokane Valley), (360) 786-7606, mike.padden@leg.wa.gov

District 6
Sen. Michael Baumgartner
(R, Spokane), (360) 786-7610, michael.baumgartner@leg.wa.gov

District 7
Sen. Bob Morton
(R, Kettle Falls), (360) 786-7612, bob.morton@leg.wa.gov

District 8
Sen. Jerome Delvin
(R, Richland), (360) 786-7614, jerome.delvin@leg.wa.gov

District 9
Sen. Mark Schoesler
(R, Ritzville), (360) 786-7620, mark.schoesler@leg.wa.gov

District 10
Sen. Mary Margaret Haugen
(D, Camano Island), (360) 786-7618, marymargaret.haugen@leg.wa.gov

District 11
Sen. Margarita Prentice
(D, Renton), (360) 786-7616, margarita.prentice@leg.wa.gov

District 12
Sen. Linda Evans Parlette
(R, Wenatchee), (360) 786-7622, linda.parlette@leg.wa.gov

District 13
Sen. Janéa Holmquist Newbry
(R, Moses Lake), (360) 786-7624, janea.holmquistnewbry@leg.wa.gov

District 14
Sen. Curtis King
(R, Yakima), (360) 786-7626, curtis.king@leg.wa.gov

District 15
Sen. Jim Honeyford
(R, Sunnyside), (360) 786-7684, jim.honeyford@leg.wa.gov

District 17
Sen. Don Benton
(R, Vancouver), (360) 786-7632, don.benton@leg.wa.gov

District 19
Sen. Brian Hatfield
(D, Raymond), (360) 786-7636, brian.hatfield@leg.wa.gov

District 20
Sen. Dan Swecker
(R, Rochester), (360) 786-7638, dan.swecker@leg.wa.gov

District 21
Sen. Paull Shin
(D, Edmonds), (360) 786-7640, paull.shin@leg.wa.gov

District 22
Sen. Karen Fraser
(D, Olympia), (360) 786-7642, karen.fraser@leg.wa.gov

District 23
Sen. Christine Rolfes
(D, Bainbridge Island), (360) 786-7644, christine.rolfes@leg.wa.gov

District 24
Sen. James Hargrove
(D, Hoquiam), (360) 786-7646, jim.hargrove@leg.wa.gov

District 25
Sen. Jim Kastama
(D, Puyallup), (360) 786-7648, jim.kastama@leg.wa.gov

District 26
Sen. Derek Kilmer
(D, Gig Harbor), (360) 786-7650, derek.kilmer@leg.wa.gov

District 27
Sen. Debbie Regala
(D, Tacoma), (360) 786-7652, debbie.regala@leg.wa.gov

District 28
Sen. Mike Carrell
(R, Lakewood), (360) 786-7654, michael.carrell@leg.wa.gov

District 29
Sen. Steve Conway
(D, Tacoma), (360) 786-7656, steve.conway@leg.wa.gov

District 30
Sen. Tracey Eide
(D, Federal Way), (360) 786-7658, tracey.eide@leg.wa.gov

District 31
Sen. Pam Roach
(R, Auburn), (360) 786-7660, pam.roach@leg.wa.gov

District 32
Sen. Maralyn Chase
(D, Shoreline), (360) 786-7662, maralyn.chase@leg.wa.gov

District 33
Sen. Karen Keiser
(D, Kent), (360) 786-7664, karen.keiser@leg.wa.gov

District 34
Sen. Sharon Nelson
(D, Seattle), (360) 786-7667, sharon.nelson@leg.wa.gov

District 36
Sen. Jeanne Kohl-Welles
(D, Seattle), (360) 786-7670, jeanne.kohl-welles@leg.wa.gov

District 37
Sen. Adam Kline
(D, Seattle), (360) 786-7688, adam.kline@leg.wa.gov

District 38
Sen. Nick Harper
(D, Everett), (360) 786-7674, nick.harper@leg.wa.gov

District 40
Sen. Kevin Ranker
(D, Orcas Island), (360) 786-7678, kevin.ranker@leg.wa.gov

District 41
Sen. Steve Litzow
(R, Mercer Island), (360) 786-7641, steve.litzow@leg.wa.gov

District 42
Sen. Doug Ericksen
(R, Ferndale), (360) 786-7682, doug.ericksen@leg.wa.gov

District 43
Sen. Ed Murray
(D, Seattle), (360) 786-7628, edward.murray@leg.wa.gov

District 46
Sen. David Frockt
(D, Seattle), (360) 786-7690, david.frockt@leg.wa.gov

District 47
Sen. Joe Fain
(R, Auburn), (360) 786-7692, joe.fain@leg.wa.gov

Senate: Nays, 0

Senate: Absent, 0

Senate: Excused, 9

District 5
Sen. Cheryl Pflug
(R, Maple Valley), no longer in office

District 16
Sen. Mike Hewitt
(R, Walla Walla), (360) 786-7630, mike.hewitt@leg.wa.gov

District 18
Sen. Joe Zarelli
(R, Vancouver), no longer in office

District 35
Sen. Tim Sheldon
(D, Potlatch), (360) 786-7668, timothy.sheldon@leg.wa.gov

District 39
Sen. Val Stevens
(R, Arlington), (360) 786-7676, val.stevens@leg.wa.gov

District 44
Sen. Steve Hobbs
(D, Lake Stevens), (360) 786-7686, steve.hobbs@leg.wa.gov

District 45
Sen. Andy Hill
(R, Redmond), (360) 786-7672, andy.hill@leg.wa.gov

District 48
Sen. Rodney Tom
(D, Bellevue), (360) 786-7694, rodney.tom@leg.wa.gov

District 49
Sen. Craig Pridemore
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Initiative 960, approved by voters in 2007, requires each Advisory Vote to include a list of every Legislator, how they voted on the bill, and their party preference, hometown, and contact information.

What do they do?

Qualifications and responsibilities for federal offices

Each office has different qualifications and varying responsibilities. Candidates for federal offices must meet specific age and citizenship requirements.

President & Vice President

The President must be at least 35 years of age and a natural-born U.S. citizen. The President is indirectly elected by voters through the Electoral College to a four-year term and cannot serve more than two consecutive elected terms.

The chief duty of the President is to ensure that the laws of the United States are faithfully executed. This duty is largely performed through appointments of thousands of federal positions, including secretaries of cabinet agencies and all judges of the federal judiciary. These nominees are subject to confirmation by the U.S. Senate. The President is commander in chief of the U.S. armed forces. The President has the power to make treaties with foreign governments, which must be approved by the Senate. The President has the power to veto (reject) laws passed by Congress.

The Vice President shall become President in the event the Office of the President becomes vacant. The Vice President also serves as the presiding officer of the Senate.

Congress

The U.S. Senate and House of Representatives have equal responsibility for declaring war, maintaining the armed forces, assessing taxes, borrowing money, minting currency, regulating commerce, and making all laws necessary for the operation of government. One common qualification for these elected offices is that a candidate must be a registered voter.

U.S. Senator

U.S. Senators must be at least 30 years of age, have been a citizen of the United States for nine years, and be a registered voter of the state from which he or she is elected. The Senate is made up of 100 members, two from each state, and each Senator's term is six years.

The Senate has several exclusive powers, including consenting to treaties and confirming federal appointments made by the President, and trying federal officials impeached by the House.

U.S. Representative

U.S. Representatives must be at least 25 years of age, have been a citizen of the United States for seven years, and be a registered voter of the state from which he or she is elected. The House of Representatives is made up of 435 members; each state is allocated a different number of members based on population. A Representative's term is two years. The total membership of the House is up for election in even-numbered years.

Candidate statements are printed exactly as submitted. The Office of the Secretary of State does not make corrections of any kind or verify statements for truth or fact.

Barack Obama

Democratic Party Nominee

President

Elected Experience: President of the United States (current); elected U.S. Senator in 2004; elected Illinois State Senator in 1996.

Other Professional Experience: Community organizer; Civil Rights Lawyer; Constitutional law professor

Education: Columbia University, B.A.; Harvard Law School, J.D.

Community Service: President Obama has devoted his career to public and community service. Beyond his legislative and political record, he worked as a community organizer, aiding local churches to rebuild communities in Chicago devastated by steel plant closings. He later directed one of the largest voter registration drives in Illinois history.

Joe Biden

Democratic Party Nominee

Vice President

Elected Experience: Vice President of the United States (current); U.S. Senator; New Castle County Councilman (Delaware)

Other Professional Experience: Attorney; Constitutional law professor

Education: B.A., University of Delaware; J.D., Syracuse University Law School

Community Service: Throughout his career in public service, Vice President Biden has been a strong advocate for public and community service initiatives, including programs supporting veterans and military families, as well as longstanding efforts to combat violence against women, including dating violence, in schools and on college campuses.

Statement: Over the last few decades, middle-class security had been slipping away for families who worked hard and played by the rules. Wages stagnated while costs soared. Fewer employers offered retirement and health benefits. College tuition costs skyrocketed. Then the Wall Street and housing market crashes cost 8.8 million jobs and sent the economy into a deep recession.

From day one, President Obama took immediate action to put Americans back to work, stopping the bleeding and reversing the trend. He also began laying the foundation for a real recovery that has strong roots and a job-creating economy that's built to last.

We are now at a make-or-break moment for the middle class, and the President knows that we must respond by restoring the basic values of balance and fairness that made our country great.

President Obama believes Americans should be able to earn enough to raise a family, send their kids to school, own a home and put enough away to retire. That can happen only when hard work pays off, responsibility is rewarded, and when everybody plays by the same rules, does their fair share and has a fair shot at success.

We need an economy built to last and built from the middle class out, not the top down. That's why the President's plan invests in education, innovation, infrastructure and home-grown American energy, and it reforms our tax code to help create American jobs and responsibly reduce the deficit in a balanced way by asking the wealthiest to pay their fair share again.

We can't afford to go back to the same failed policies that crashed our economy and devastated the middle class. We have to move forward.

For More Information: (312) 985-1700; counsel@barackobama.com; www.barackobama.com

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Mitt Romney

Republican Party Nominee

President

Elected Experience: Governor of Massachusetts

Other Professional Experience: CEO, 2002 Salt Lake Organizing Committee for the Olympic and Paralympic Winter Games; CEO Bain & Company; Co-Founder, Bain Capital

Education: JD, Harvard Law School; MBA, Harvard Business School; BA, Brigham Young University.

Community Service: Board Member of City Year, youth service organization; board Member of Belmont Hill School; National Advisory Council Member of the Marriott School of Management; Visiting Committee Member of the Harvard Business School

Paul Ryan

Republican Party Nominee

Vice President

Elected Experience: Congressman Ryan is in his seventh term in Congress representing Wisconsin's First Congressional District. As Chairman of the House Budget Committee, he has worked tirelessly to rein in federal spending and increase accountability to taxpayers. He also serves on the House Ways and Means Committee.

Other Professional Experience: Legislative Director - Senator Sam Brownback (R-KS); Legislative Aide - Senator Bob Kasten (R-WI); Speechwriter, Economic Analyst - Empower America, Jack Kemp & Bill Bennett

Education: Joseph A. Craig High School; Miami University in Ohio

Community Service: YMCA volunteer soccer coach in Janesville, WI; St. Elizabeth's nursing home - the Ryan family serves Christmas meals to residents in Janesville.

Statement: I am running for president to get America back to work, protect our national security, and restore our country's standing as leader of the free world.

I am not a career politician. I spent most of my life in the private sector, helping launch or rebuild hundreds of companies, including household names such as Staples, Bright Horizons, and The Sports Authority.

In 1999, the Winter Olympics were on the verge of collapse amid corruption allegations. I was asked to take over. I revamped the organization's leadership, trimmed the budget, and restored public confidence. In the end, we staged one of the most successful games of all time.

As Governor of Massachusetts, I cut taxes 19 times while balancing the budget four years in a row. I cut red tape for small businesses, signed into law job-creating incentives, and fought hard to bring new businesses to the state. By the end of my term, the state had amassed a $2 billion rainy-day fund.

As president, I will repeal the national healthcare law. I'll get rid of job-killing regulations, open new markets for American exports, and unlock America's energy resources. I'll reduce taxes and bring an end to runaway spending and borrowing in Washington, D.C. I'll make the federal government simpler, smaller, and smarter. At the same time, I will reverse the defense cuts of the past three years, rebuild our military, and ensure that this century will be another American Century.

Together we can create an Opportunity Society where hard work, education, and risk-taking allow people to achieve their dreams.

For More Information: (857) 288-3500; info@MittRomney.com; www.MittRomney.com

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Gary Johnson

Libertarian Party Nominee

President

Elected Experience: Governor of New Mexico, 1995 - 2003

Other Professional Experience: I am an entrepreneur, having grown a one-man business to one of New Mexico's largest construction companies and employing more than 1,000 people. After selling that business and serving two terms as Governor of New Mexico, I served as Honorary Chairman of the Our America Initiative, a public policy advocacy organization devoted to promoting free markets, individual liberties and smaller government.

Education: B.S., University of New Mexico

Community Service: Advisory Council, Students for Sensible Drug Policy; Honorary Chair, Our America Initiative

James P. Gray

Libertarian Party Nominee

Vice President

Elected Experience: By appointment of the Governor, served 25 years as a trial court judge in Orange County, California.

Other Professional Experience: Criminal defense attorney with U.S. Navy JAG Corps, federal prosecutor in Los Angeles, private attorney in the practice of business litigation.

Education: J.D., University of Southern California; B.A., UCLA

Community Service: Peace Corps Volunteer in Costa Rica; California Juvenile Justice Commission; California Judicial Council; California Department of Drug and Alcohol Planning, and many more commissions.

Statement: After having built a successful business, I entered public service by asking the people of New Mexico to give me an opportunity to bring common sense leadership to the Office of Governor. I pledged to reduce taxes, reduce the size of state government, and get government out of the way of job creation, individual freedom, and innovation. I was elected, and reelected to a second term. The size of state government was, in fact, reduced, tens of thousands of private sector jobs were created, and the state moved from operating in the red to having a billion dollar surplus.

During my eight years as Governor, taxes were reduced 14 times, and never raised. I vetoed approximately 750 bills passed by the state legislature, in keeping with my determination to reduce the size and cost of state government. When I left office, being term limited, New Mexico had a budget surplus and private sector job creation had increased substantially.

I am seeking the Office of President of the United States because the nation desperately needs that same kind of leadership today. Good government is easy when politics are put aside and common sense applied. I pledge to submit a balanced budget to Congress in 2013, to veto, as I did in New Mexico, any legislation that will result in deficit spending, and to create an environment of regulatory certainty that will allow the private sector to put Americans to work and let free people live their lives without fear of unnecessary government interference.

For More Information: www.garyjohnson2012.com

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Virgil Goode

Constitution Party Nominee

President

Elected Experience: United States House of Representatives (1997-2009); Virginia State Senator (1973-1997).

Other Professional Experience: Army National Guard (1969-1973).

Education: Juris Doctorate, University of Virginia (1973); B.A. University of Richmond (1969).

Community Service: No information submitted

James N. Clymer

Constitution Party Nominee

Vice President

Elected Experience: No information submitted

Other Professional Experience: Admitted to Pennsylvania Bar (1978); senior member of a general practice law firm; admitted to practice before Pennsylvania Supreme Court and Third Circuit Court of Appeals; has represented clients in cases dealing with constitutional/religious liberty issues, including the American Center for Law and Justice, National Legal Foundation, Rutherford Institute and Home School Legal Defense Association; Chairman, Constitution Party National Committee (1999-2012).

Education: Juris Doctor, Washburn University School of Law (1978); B.S. History, Millersville University (1972).

Community Service: Active in church and para-church organizations, serving as deacon, elder, and teacher; board of directors for Dayspring Christian Academy.

Statement: The President of the United States should carefully follow our Constitution. Following our Constitution will mean a more limited Government and a greater protection of our Constitutional Rights. I favor a balanced budget now. With a debt of 16 trillion dollars, we must not only balance our budget but start reducing our debts. I favor eliminating a number of programs and departments, such as No Child Left Behind, NEA Funding, Public Broadcasting Funding, eliminating the Federal Government from public education, and reducing or eliminating a number of secretaries. I also favor reducing funding for the Executive Branch and eliminating the Czars.

I want jobs in America to go first to United States citizens. I favor totally eliminating illegal immigration and stopping the magnets that attract illegals to our Country. For example, ending automatic birth right citizenship for children born of illegals in the United States. I also favor a nearly complete moratorium on new green cards while unemployment is at such high levels and until unemployment falls below 5%. Jobs in America should go to U.S. Citizens first and not to those from other countries. Our first priority must be good paying jobs for U.S. Citizens.

I have a consistent pro-life voting record and would be a strong supporter of life as President.

I have consistently supported defining marriage as being between one man and one woman. I was a co-sponsor of and a supporter of the Federal Marriage Amendment, defining marriage as being between one man and one woman. I support DOMA and was proud to participate in the Chick-Fil-A turnout.

I also support an audit of the Federal Reserve.

I am a native of Virginia where I live with my wife Lucy. We have one daughter and a grandson.

For More Information: (540) 483-9030; virgilgoodeforpresident2012@gmail.com; www.goodeforpresident2012.com

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Jill Stein

Green Party Nominee

President

Elected Experience: Lexington Town Meeting

Other Professional Experience: Physician

Education: MD, Harvard Medical School, 1979; BA, Psychology-Sociology-Anthropology, Harvard University, 1973

Community Service: Dr. Jill Stein is a mother, housewife, physician, longtime teacher of internal medicine, and pioneering environmental-health advocate. She has served in elected leadership roles with the Coalition for Healthy Communities, Citizens for Voter Choice and the national Physicians for Social Responsibility. She has has won several awards including Clean Water Action's Not in Anyone's Backyard Award, the Children's Health Hero Award, and the Toxic Action Center's Citizen Award. In 2002, she ran for governor against Mitt Romney.

Cheri Honkala

Green Party Nominee

Vice President

Elected Experience: NA

Other Professional Experience: Founder of Kensington Welfare Rights Union; National Coordinator of the Poor People's Economic Human Rights Campaign.

Education: Minnesota public schools

Community Service: For the past 25 years Cheri Honkala has been a leading advocate for poor and homeless in America. In 2001 Ms. Magazine named Honkala Woman of the Year and she has won numerous awards including the Bread and Roses Human Rights Award, Public Citizen of the Year by the Pennsylvania Association of Social Workers, and the prestigious Letelier-Moffitt award from the Institute for Policy Studies. In April 2005 Mother Jones magazine named her Hellraiser of the Month.

Statement: We must act to save our planet. The course we are on leads to irreversible climate change. Yet the politicians in Washington continue doling out subsidies to the oil companies while much of our country burns.

We must change our economy. Almost half of Americans are living in or near poverty. The rich are getting richer while wages go down. Nothing is being done because the financial elite that collapsed the economy in 2008 are still calling the shots.

With your vote, I will implement an emergency program called the Green New Deal. The Green New Deal will create 25 million jobs, end unemployment, and transition our country to a green economy. It will guarantee public higher education and Medicare for all, and forgive student loan debt. It will break up the big banks. And it will end corporate domination of elections.

I represent an end to business-as-usual in Washington. As an environmental health advocate in the 1990s, I saw how corporate money stopped essential reforms from becoming law. In response, I led the effort to get fully publicly financed elections in Massachusetts. We put it on the ballot, and the electorate voted for it. Then the Democratic legislature repealed our clean elections law. That's when I decided it was time to go Green.

My running mate, Cheri Honkala, is one of America's leading advocates for the poor. She was once a homeless mother who slept in abandoned buildings with her son because they had nowhere else to go. Since then she has given her life to keeping people in their homes. And she has often stood between the bankers and a frightened family facing eviction.

We ask for your votes and we invite you to find out more about the Green New Deal at JillStein.org

For More Information: (608) 620-3107; HQ@JillStein.org; www.JillStein.org

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Peta Lindsay

Socialism & Liberation Party Nominee

President

Elected Experience: No information submitted

Other Professional Experience: Founding member, PSL; member, PSL's Central Committee

Education: BA in History/African American studies, Howard University, 2008. Pursuing master's degree in education from the University of Southern California.

Community Service: Lindsay has helped to lead countless demonstrations across the country against imperialist wars, racism, tuition hikes, and for women's rights and the Palestinian people's right to self-determination. She has been a tireless advocate for the rights of working people. Was an organizer with the Philadelphia Student Union, 1996-98, the Sexual Minority Youth Assistance League, 1999-2001,and the ANSWER coalition, since 2001. Recently helped form Women Organized to Resist and Defend.

Yari Osorio

Socialism & Liberation Party Nominee

Vice President

Elected Experience: No information submitted

Other Professional Experience: Certified EMT; Writer, Liberation News

Education: BA, Forensic Psychology, John Jay City University of New York

Community Service: Born in Cali, Colombia, Osorio immigrated to the United States at age three. Now a U.S. citizen, he grew up undocumented. Harsh anti-immigrant policies propelled Osorio to become an advocate for social and economic justice. He is a volunteer organizer in the ANSWER Coalition (Act Now to Stop War and End Racism) and organizes against New York City's "stop and frisk" policy. In October 2011, he was arrested on the Brooklyn Bridge with 700 others as part of the Occupy Wall Street movement.

Statement: After causing the greatest crisis for working people since the Great Depression, with millions of layoffs and foreclosures, the banks not only received a massive public bailout, but have been making enormous profits. The Lindsay/Osorio campaign calls for seizing the banks to solve the crises of jobs, housing, healthcare and education that the majority of people confront.

Federal, state and local funding for education, health care assistance, childcare and other social services are being slashed year after year. Why? The politicians say that there is no money. That's a lie. The banks are sitting on trillions of dollars. Corporations are reaping great profits but paying next to nothing in taxes. The government spends more than a $1 trillion every year on war, occupation and 900 military bases around the world.

The Lindsay/Osorio campaign has a ten-point program that speaks to the needs of the 99 percent, not the 1 percent who own the banks and corporations. We call for a job, free healthcare, affordable housing and free education to be constitutional rights; an end to war, sanctions and occupation; stopping racist police brutality and mass incarceration; defending our unions; full equality for women and LGBT people; forgiving student and mortgage debt; full rights for all immigrants; and an economic plan to sharply cut greenhouse gases, clean up the environment and build a massive renewable energy network.

The elections cannot solve the problems we face. Our campaign is part of the people's movement in the schools, workplaces and streets. We are fighting for a different world where no one is hungry, homeless or deprived of health care, housing or education while a few live in obscene luxury. We are building a movement for socialism. Join us, vote for Peta Lindsay for President and Yari Osorio for Vice President.

For More Information: (206) 367-3820; seattle@pslweb.org; www.VotePSL.org

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James Harris

Socialist Workers Party Nominee

President

Elected Experience: James Harris, 64, is a veteran trade unionist and a longstanding member of the National Committee of the Socialist Workers Party. Harris was the Socialist Workers candidate for U.S. president in 1996 and 2000.

Other Professional Experience: He has advanced a revolutionary socialist perspective in the struggle for Black rights for more than four decades, in mobilizations against imperialist wars from Vietnam to Iraq and Afghanistan and in working-class politics.

Education: Cleveland State

Community Service: Harris has joined battles by working people to defend their unions, conditions of work and life and limb on the job from the relentless productivity drive by the bosses today.

Alyson Kennedy

Socialist Workers Party Nominee

Vice President

Elected Experience: Alyson Kennedy, 61, is a production worker and a member of the Socialist Workers Party's National Committee.

Other Professional Experience: A trade union fighter for more than three decades, Kennedy worked in coalmines in Alabama, Colorado, Utah and West Virginia. She joined the United Mine Workers of America (UMWA) in 1981. From 2003 to 2006 Kennedy was a leading militant in a union organizing battle at the Co-Op coalmine outside Huntington, Utah.

Education: Indiana University

Community Service: Kennedy joined protests against the lynching of Florida youth, Trayvon Martin. She is on the front lines of struggles to defend immigrant workers from government assaults.

Statement: Working people in the United States and around the world are bearing the brunt of a deepening crisis of capitalism. Bosses and their governments respond to the contraction in production and trade in the only way they know-by taking it out on the working class.

Across the globe, workers face the same conditions: growing unemployment, attacks on wages, speed-up, slashed social services, and assaults on political rights. Workers from China, Spain, to Mexico are the allies of workers here.

Oppressed layers of our class are hit hardest by this profit-driven offensive by the bosses, especially workers who are Black. Immigrant workers are scapegoated and subjected to super exploitation. This has led to the rise of workers' resistance. Longshore workers who faced union busting in Longview, sugar beet workers locked out in the Upper Midwest, and striking Teamsters at Davis Wire in Kent are fighting to defend their jobs, wages and working conditions.

In their profit-driven competition for markets and resources, ruling class families in the U.S. and their imperialist rivals are driven toward war, and attacks on democratic rights. U.S. troops out of Afghanistan and all countries.

We stand with all those who stand up to these attacks. We fight for the labor movement to champion the struggles of the oppressed and exploited. We defend the right of women to choose an abortion. We call for a federally-funded jobs program to put millions to work.

The Democratic and Republican parties defend the interests of the bosses. To end this system of unemployment and war, working people need to rely on our own strength, and take political power from the capitalist class. To do this, we need a working class program and a working class party. Join us. Join with us.

For More Information: (206) 323-1755; themilitant@mac.com; www.themilitant.com

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Ross C. (Rocky) Anderson

Justice Party Nominee

President

Elected Experience: Mayor, Salt Lake City, 2000-08.

Other Professional Experience: Roofer, truck driver, server, buck fence builder. Lawyer (civil rights, professional negligence, antitrust, securities fraud, financial institution fraud) for 21 years. Founder and Executive Director, High Road for Human Rights, 2008-12.

Education: B.S. (magna cum laude), University of Utah, 1973; J.D. (with honors), George Washington University Law School, 1978.

Community Service: President of Boards of ACLU of Utah; Citizens for Penal Reform (founder); Guadalupe Educational Programs. Member, Boards of Planned Parenthood Association of Utah; Common Cause of Utah; International Council for Local Environmental Initiatives (ICLEI). Member Advisory Committee, Freedom to Marry.

Luis J. Rodriguez

Justice Party Nominee

Vice President

Elected Experience: Recognized for forty years working in urban peace and gang intervention in the U.S., Latin America, and Europe. Works on immigrant rights, labor rights, justice against police abuse, quality education, poverty, homelessness, and the prison industrial complex.

Other Professional Experience: Author of fifteen books of poetry, children's literature, and nonfiction, including two memoirs. Co-founder, Tia Chucha's Centro Cultural and independent press, Tia Chucha Press.

Education: Mark Keppel High School in Alhambra, attended East Los Angeles College and California State University, Los Angeles.

Community Service: Co-founder of Network for Revolutionary Change, coordinating leading thinkers and organizers to strategize for justice, peace, and cooperation.

Statement: My campaign is about deeply shared values, focused on achieving greater economic, social, and environmental justice for *all*. Instead of falling in line with the dominant parties that have created a militarist and corporatist government for sale to the highest bidders, we are calling for people to aspire to a government that is genuinely of, by, and for the people.

Peace and prosperity require (1) proven pre-school and secondary educational opportunities so that everyone has a chance to excel; (2) the chance for everyone to obtain a college or technical education without crushing debt, just as our forebears committed to secondary education for all; (3) returning outsourced jobs to the U.S and putting millions of people to work in a WPA-like initiative; (4) equal rights under the law, regardless of race, religion, and sexual orientation; (5) a restorative criminal justice system that focuses on problem-solving, rather than on punishment and retribution (including an end to the disastrous "war on drugs"); (6) a Medicare-for-all system that will provide essential healthcare for everyone, be less expensive, and provide better medical outcomes; and (7) responsible environmental stewardship, including protection of the climate through utilization of clean energy sources.

My foreign policy will promote peace and respect for human rights, not the empire-building wars of aggression supported by both major parties. I will promote long-term U.S. security and build better relationships with other nations by ending the immoral drone killings that have killed hundreds of innocent civilians, the assassinations of U.S. citizens without any semblance of due process, and the claim of authority to indefinitely detain even U.S. citizens without charges, trial, legal assistance, or right of habeas corpus. I will dismantle the imperial presidency and restore a government in harmony with fundamental U.S. values and our Constitution.

For More Information: (801) 990-5300; rockyanderson.justice@gmail.com; www.voterocky.org

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Maria Cantwell

(Prefers Democratic Party)

Elected Experience: U.S. Senate 2001-Present, U.S. House of Representatives 1993-1995, Washington State Legislature 1987-1993

Other Professional Experience: Real Networks, Vice President of Marketing & Senior Vice President of the Consumer Products Division 1995-2000

Education: B.A. in Public Administration from Miami University

Community Service: Henry M. Jackson Foundation, Honorary Council of Advisors; South Snohomish Chamber of Commerce, Former Board Member; Mountlake Terrace Friends of the Library; Alderwood Rotary, Former Board Member; Apollo Alliance, Founding Board Member

Statement: Congress is bogged down in partisanship and gridlock. But Senator Maria Cantwell puts politics aside and does what's right for our state. Maria is focused on job creation and keeping America competitive in the global economy - because she knows too many families are struggling just to get by.

That's why Maria is working to make sure Washington State remains the hub of America's aerospace industry. She fought unfair foreign competition to help Boeing win the $35 billion Air Force contract that could mean 11,000 jobs for our state. Now Maria is helping develop apprenticeship and job training programs so we have a skilled workforce for those jobs.

Maria's fighting to increase Pell Grants and help middle class kids afford college. She co-sponsored a bill giving returning veterans access to a college education. She's working to give laid-off workers and veterans access to job training at community colleges so they can develop the skills they need for new jobs.

To create opportunities for businesses to hire more workers, Maria voted to cut taxes for small businesses and manufacturers while pushing banks to loan to small businesses that want to grow. Maria recognizes that the federal deficit is a dagger pointed at the heart of our economy, so she's working to cut wasteful government spending. She is pushing to end tax breaks for companies that ship jobs overseas and instead provide tax incentives for companies that create jobs here. And Maria is working to develop Washington's new clean energy industry, which will create thousands of jobs across our state.

Maria kept her commitment to protect Social Security and Medicare, fighting attempts by both parties to cut these vital programs.

Senator Maria Cantwell is focused on making life better for our families and for the people of Washington State.

For More Information: (206) 285-2012; maria@cantwell.com; www.cantwell.com

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Michael Baumgartner

(Prefers Republican Party)

Elected Experience: Washington State Senator, 2010 – present

Other Professional Experience: Mike was an economic development consultant and former diplomat who advised international and Northwest firms. In 2007 Mike served as an Economics Officer at the US Embassy in Baghdad, earning commendations from General Petraeus and Ambassador Crocker. In 2009 he worked on a State Department-contracted counternarcotics program in Afghanistan, helping farmers grow wheat.

Education: Gonzaga Prep, Pullman High; WSU – BA, Economics (1999); Harvard – MPA, International Development (2002).

Community Service: Mike served as a Jesuit volunteer in Mozambique in 1999. He is a member of the Knights of Columbus.

Statement: Michael Baumgartner left a successful career in international development to help his country in Iraq and Afghanistan. Then, he challenged and defeated an entrenched incumbent and won election to the State Senate.

As a State Senator, Michael has shown he can work with both parties to find pragmatic solutions, balance budgets, reform government spending and improve education. He sponsored legislation to protect higher education funding and prevent further cutbacks.

Michael has the background, experience, and common sense necessary to be an outstanding U.S. Senator. He is endorsed by Senator Slade Gorton, Attorney General Rob McKenna, Congresswoman Cathy McMorris Rodgers, Secretary of State Sam Reed, and Representative Cary Condotta. More important, Michael is supported by hundreds of Washington small business owners, veterans, and educators. Michael and his wife Eleanor have a young son, Conrad, and are expecting another child this year.

"I love Washington. I was born and raised here, the son of two educators. After studying at WSU and Harvard, my economic development career took me around the world. Washington's wonderful, natural environment and friendly, innovative people make it the best place in the world.

"Now, America is struggling. In the past 12 years, reckless spending and poorly planned wars have helped double the national debt and millions don't have jobs. Too many politicians care more about special interests than finding solutions. The US Senate hasn't passed a budget in more than three years. DC is broken.

"I want to help turn things around, here and overseas. I've seen firsthand the progress our troops have made in Afghanistan against amazing odds. Now it's time to bring them home and concentrate on rebuilding our economy. Our children should inherit a thriving America - not one in debt and decline. I'd be honored to have your vote. We've got work to do."

For More Information: (206) 337-2242; michael@VoteBaumgartner.com; www.VoteBaumgartner.com

Rick Larsen

(Prefers Democratic Party)

Elected Experience: It is my privilege to serve as the Representative for Washington's 2nd Congressional District. I've also served on the Snohomish County Council.

Other Professional Experience: Prior to working as a public official I was employed by the Port of Everett and the Washington State Dental Association.

Education: I graduated from Pacific Lutheran University in Washington state and have a masters degree from the University of Minnesota.

Community Service: My parents were an important influence on me, encouraging me to be involved in my local community. Their encouragement continues to be a motivation for my service to our communities.

Statement: I was born and raised in Arlington. My mom and dad raised me with the values I now teach my own children: community, service and commitment. These values are what motivate me each day on your behalf.

The choice in this election is stark. Some want to slash government by hollowing out Medicare, and defaulting on our obligations to our children--all while delivering huge new tax cuts for the highest earners. That's not a reflection of the values I learned, and it is not what made America great. The United States didn't get to be the world's leader in innovation by accident. We invested in education to have the best workers. We built our infrastructure to provide the foundation for economic growth. And we decided that it is to all our benefit if our retirees have Social Security and Medicare so they can live healthy and independent lives.

We need to rebuild the middle class. We need to see the label Made in America again.

I fought to make sure the new Air Force tanker is built here in the Puget Sound by the best aerospace workers in the world. I created an export promotion program to help our businesses find new customers overseas and create more jobs here at home. And I worked with the Navy to make sure that a new aircraft carrier was brought to Naval Station Everett.

Our work is not done. We need to expand our educational opportunities to make sure we retain the best aerospace workforce. We need to help with job opportunities for our veterans returning from Afghanistan. And we need to rebuild our aging roads, bridges, highways, ferries and transit systems.

I ask for your vote so I can continue bringing your voice and our Northwest values to our nation's capital.

For More Information: (425) 259-1866; rick@ricklarsen.org; www.ricklarsen.org

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Dan Matthews

(Prefers Republican Party)

Elected Experience: Former School Board member, Lobbied for Children and Education issues in Washington, D.C.

Other Professional Experience: Veteran - Vietnam and Desert Storm Pilot - Retired Air Force Lt. Colonel (son flies USAF C-17). Retired Airline 747 Captain, Instructor; Airline Pilots Association Union member.... Currently: Contract Instructor Pilot 747 - Boeing Company.

Education: University of Puget Sound, BA, Political Science; Masters Degree - Public Administration - Government.

Community Service: Active in Local Church; Heritage Foundation, Farm Bureau (Endorsed) NRA - Lifetime; American Legion; VFW; Combat Vets; Reserve Officers Association; Naval Institute; Nature Conservancy; Cousteau Society (Founder); Washington Policy Center; Manhattan Declaration; Little League Coach, Rotary. Business owner.

Statement: I believe our country is on the wrong course: If we continue in this direction, our economy will become weaker; more of us will lose our jobs, homes, healthcare and pensions. My opponent - a long-term incumbent Congressman - has spent twelve years in Washington, D.C. taking us down this path. Simply put, he's among the entrenched politicians who got us into this mess.

Change is overdue. With Your Vote, we will change course together - carefully and constructively - securing a safe future for citizens of all ages, especially our children.

I will work hard for you - offering professional problem-solving over political partisanship. I commit to represent You - not special interests. I am a Citizen Candidate with this commitment: "I will listen to you." We need strong representation. You can always say: "Dan Matthews is one of us - a Trusted Leader."

My Congressional Goals: Focus on Jobs; Lower Energy costs; Cut Wasteful Spending; Balanced Budget; Reduce National Debt; Maintain a strong National Defense; Limit govenment's size; Flatter - fairer taxes; Reform America's broken Entitlement Programs; Honor our commitments to Medicare, Social Security recipients and especially Veterans (Active, Retired); Reduce Federal Regulations and intrusion; Encourage Business and job growth; Enhance Education, Energy, Environmental and Economic Security. Communicate with and faithfully represent You.

I advocate Big Citizens and small government - trusting you exercising your liberties more than I trust bureaucrats and politicians. I believe in: Personal Responsibility over personal entitlement. As a fiscal conservative, I ask: "What is the proper role of the federal government? What is the responsibility of the individual? Can we afford this?"

Our children and grandchildren deserve our united commitment to: ".. secure the Blessings of Liberty to ourselves and our Posterity...." Securing tomorrow begins with your Vote. Thanks for your Trust.

For More Information: (425) 530-8070; dan@danmatthewsforcongress.com; www.danmatthewsforcongress.com

What do they do?

Qualifications and responsibilities for state executive offices

To run and serve in a state executive office, a candidate must be a registered voter of the state. State executive officers are elected statewide to serve four-year terms.

Governor

The Governor is the chief executive officer of the state. The Governor appoints hundreds of positions, including directors of state agencies. The Governor reports annually to the Legislature on affairs of the state and submits a budget recommendation. The Governor may veto (reject) legislation passed by the Legislature.

Lieutenant Governor

The Lieutenant Governor is elected independently of the Governor. The Lieutenant Governor acts as Governor if the Governor is unable to perform the official duties of the office and is first in line of succession if the office of Governor becomes vacant. The Lieutenant Governor is the presiding officer of the state Senate.

Secretary of State

The Secretary of State is the state's chief elections officer, chief corporations officer, and oversees the state Archives and Library. Primary functions include certifying election results, filing and verifying initiatives and referenda, publishing the state voters' pamphlet, registering and licensing corporations, limited partnerships and trademarks, registering charitable organizations, and collecting and preserving historical records of the state. The Secretary of State is second in line of succession for the office of Governor.

State Treasurer

As the state's fiscal officer, the state Treasurer's principal duties are to manage and disburse all funds and accounts, be responsible for the safekeeping and interest on all state investments, account for and make payments of interest and principal on all state bonded indebtedness, and maintain a statewide revenue collection system for the purpose of expediting the deposit of state funds into the Treasury.

State Auditor

The state Auditor conducts independent financial, accountability, and performance audits of all Washington state and local governments. The state Auditor conducts investigations of whistleblower assertions about state agencies and also investigates reports of fraud, waste, and abuse received through its citizen hotline. Audit and investigation results are documented and reported to governments and the public.

Attorney General

The Attorney General serves as legal counsel to the Governor, members of the Legislature, state officials, and more than 230 state agencies, boards and commissions, colleges and universities. The office also represents the various administrative agencies and schools in court or administrative hearings. The Office of the Attorney General enforces consumer protection statutes and serves the public directly by providing information on consumer rights and fraudulent business practices.

Superintendent of Public Instruction

Superintendent of Public Instruction is a nonpartisan position. As head of the state educational agency and chief executive officer of the state Board of Education, the Superintendent is responsible for the administration of the state kindergarten through twelfth grade education programs. The regulatory duties of the office include certification of teaching personnel, approval and accreditation of programs, and apportionment of state and local funds. The Superintendent also provides assistance to school districts' improvement areas.

Commissioner of Public Lands

The Commissioner of Public Lands is the head of the Department of Natural Resources, overseeing the management of 5 million acres of forest, agricultural, range, tidal, and shore lands of the state. Subject to proprietary policies established by the Board of Natural Resources, the Commissioner is responsible for the exercise of all duties and functions of the department.

Insurance Commissioner

The Office of the Insurance Commissioner regulates insurance companies doing business in Washington, licenses agents and brokers, reviews policies and rates, examines the operations and finances of insurers, and handles inquiries and complaints from the public.

Candidate statements are printed exactly as submitted. The Office of the Secretary of State does not make corrections of any kind or verify statements for truth or fact.

Jay Inslee

(Prefers Democratic Party)

Elected Experience: Washington State House of Representatives – 1989-1992 representing Yakima Valley; U.S. House of Representatives 1993-1994 representing Eastern Washington; U.S. House of Representatives 1999-2012 representing Kitsap, King and Snohomish counties.

Other Professional Experience: Attorney, author of Apollo's Fire: Igniting America's Clean Energy Economy.

Education: Ingraham High School, Seattle, WA; graduated from the University of Washington with a B.A. in economics in 1972; graduated Magna Cum Laude from Willamette University Law School in 1976.

Community Service: Charter member of Hoopaholics to raise money for Childhaven; coached youth sports; served as an honorary board member of the Washington Wildlife and Recreation Coalition.

Statement: My mission as governor is this - to create a stronger and growing economy for Washington. We invent, we create, and we build. It was our innovations that led the revolution in aerospace, then software. Today we are on the cusp of new revolutions in health sciences and clean energy technology. This is our moment to grow our economy and create jobs. We need to seize it.

Having lived, worked, and represented both sides of the Cascades, I understand how our economy works. Making Washington a hub for clean energy will launch small businesses across the state, allowing wind and biofuels from the east to power skyscrapers in the west.

To build this stronger economy and ensure every child has an opportunity for a successful future, we must adopt a no-excuses approach to education. I'll implement proven reforms that produce more innovative schools and insist on high quality teachers in every classroom. We will prioritize our investments in: early childhood education; science, technology, engineering and math (STEM); and make college more accessible and affordable. No excuses.

I will bring this forward-thinking to our state by implementing lean management techniques to improve government services and efficiency and deliver health care at lower cost. In order to create change we need a leader who is willing to buck the status quo. I am one of the few who voted against the bank bailout and the deregulation of Wall Street.

We need a leader who is willing to protect senior citizens' health care and pensions. I am the only candidate in this race who will stand up to protect a woman's right to choose, which is why I've been endorsed by Planned Parenthood Votes Northwest.

We can build a working Washington. I would be honored to have your vote.

For More Information: (206) 533-0575; Jay@JayInslee.com; www.jayinslee.com

continue

Rob McKenna

(Prefers Republican Party)

Elected Experience: King County Council; Washington State Attorney General

Other Professional Experience: Perkins Coie law firm, 1988-1996

Education: University of Washington, Economics B.A. and International Studies B.A.; University of Chicago, law degree

Community Service: Bellevue and Renton school bond/levy campaigns, 1994-2002; Bellevue Schools Foundation, 1993-2002; Bellevue College Foundation, 2000-2012; Boy Scouts Chief Seattle Council board, 2003-present; Seattle-King County Land Conservancy board, 1993-1995; Evergreen Forest Trust board, 2000-present; Washington State Army Advisory Board, 2011-present; President, National Association of Attorneys General, 2011-12; Norm Maleng Honoree award, Eastside Domestic Violence Program, 2010; Friend of Children award, Washington State PTA, 2008.

Statement: Son of a teacher and a soldier, Rob McKenna learned the value of public service from his parents, and wants to continue serving Washington's people as Governor. *He will take our state in a New Direction*, promoting excellence in public schools, helping innovative businesses create jobs and reforming state government.

Rob graduated from Sammamish High and the UW. Marilyn and Rob are the parents of four children who have attended public school, and their passion for education led him to serve as president of the Bellevue Schools Foundation and Bellevue College Foundation. Rob's education platform is simple - *put students first*, fully fund our schools and stop cutting our colleges and universities.

Rob knows the private sector creates jobs, not government. He traveled across Washington learning from small business owners about our state's burdensome tax system and redundant regulations. *His New Direction plan* cuts government red tape, provides small business tax relief and reduces health care costs by giving employees greater control over their health spending.

McKenna has been a leader as Washington's Attorney General, reducing staff while increasing productivity. He made the office a national model for protecting consumers from mortgage fraud and identity theft, earning his peers' bipartisan *"Outstanding Attorney General"* award.

McKenna grew up in a military family. Living around the world gave him a great appreciation for different backgrounds and viewpoints. Rob used that experience to build bipartisan support for laws fighting prescription drug abuse, domestic violence and to crack down on sex offenders.

Washington faces tough budget challenges that threaten public schools and higher education, the social safety net and our economic future. Rob McKenna is an experienced leader who works across party lines to solve problems. For great public schools, government reform and more private sector job creation, *please vote Rob McKenna for Governor.*

For More Information: (425) 449-8244; Rob@RobMcKenna.org; www.robmckenna.org

end

Brad Owen

(Prefers Democrat Party)

Elected Experience: Brad Owen was elected as Washington State's 15th lieutenant governor in 1996 and re-elected since. Prior to his election as lieutenant governor, Owen served as Shelton finance commissioner from 1976-1979, as a member of the Washington State House of Representatives from 1976 - 1983, and in the Washington State Senate from 1983 - 1996.

Other Professional Experience: No information submitted

Education: No information submitted

Community Service: Brad Owen is the chair of Washington State Mentors, as well as chair of the Legislative Committee on Economic Development and International Relations. He serves on the advisory board for the Drug Free America Foundation.

Statement: Brad Owen is a leader we can trust! Supported by democrats, republicans, business owners and labor leaders; he is known for being bipartisan and working with all members of the Washington State Senate! In these tough times, we need an experienced leader who knows how to get things done.

Elected as Washington State's fifteenth lieutenant governor, Brad Owens' top priority is to stimulate our economy and help create family wage jobs. He has traveled the world building economic alliances with friendly nations and wants to continue his work in helping Washington State businesses increase their share of the world markets. More than any other state, Washington depends on international trade and needs leaders who can market our products throughout the world.

Brad Owen is dedicated to making Washington a state for healthy kids and safe communities. He has made substance abuse prevention, anti bullying and child welfare as one of his top priorities in office. For the last two decades he traveled throughout the state with a musical, multi media program to deliver positive messages about substance abuse and bullying awareness to youth and for years has been chair of Washington State Mentors.

To learn more, please go to www.BradOwen2012.com

For More Information: (360) 490-9086; bradowen@msn.com; www.BradOwen2012.com

Bill Finkbeiner

(Prefers Republican Party)

Elected Experience: Fourteen years in the State Legislature, including a term as Senate Majority Leader.

Other Professional Experience: Business owner, investing in sustainable real estate. Worked for five years at Microsoft (contractor 1995 - 2000) and helped start Washington's first online high school.

Education: M.B.A. University of Washington, B.A. Whitman College, Lake Washington High School.

Community Service: Bill and his wife Kristin are active in their community and their children's lives. Over the years, along with serving on boards of 4Culture, Kirkland Boys and Girls Club, and Cascade Land Conservancy, Bill has also coached his daughter's soccer team and helped his son's lacrosse club build new sports fields.

Statement: Bill Finkbeiner knows the gridlock and partisan bickering in our State's Capitol is unacceptable. As the Lieutenant Governor, Bill Finkbeiner will work with both political parties to encourage a more cooperative, less partisan, and less lobbyist-influenced government.

Bill Finkbeiner has the experience to succeed. He served 14 years in the Legislature, including a term as Senate Majority Leader, before returning to private business. Now, he's bringing his business and political experience forward to push change through the marbled halls of the Capitol.

Some of the reforms are simple, like getting rid of the aisle that separates Republicans and Democrats on the floor of the Senate. Other changes – reducing the number of partisan staff and limiting the influence of lobbyists – are more complicated; but all will make Olympia more open to citizens and less beholden to special interests.

Bill Finkbeiner has won support from both Democrats and Republicans. His endorsements include: Rob McKenna, Cathy McMorris Rodgers, Dino Rossi, Slade Gorton, Sam Reed, Washington Conservation Voters, NARAL, Michael Heavey and Larry Springer. Bill is a lifelong Washington resident. He and his wife Kristin (co-founder of MomsRising) and their two children live in Kirkland.

For More Information: (425) 454-8515; bill@billfinkbeiner.org; www.billfinkbeiner.org

Kim Wyman

(Prefers Republican Party)

Elected Experience: Serving a fourth term as Thurston County Auditor, conducting voter registration, administering elections, preserving historic records, providing financial, accounting, licensing and title services.

Other Professional Experience: Ten years as Thurston County Elections Manager, Assistant Records Manager, and 18 months as a U.S Army Civilian Training and Development Specialist.

Education: Bachelor of Arts, California State University, Long Beach; Master of Public Administration, Troy State University; Certified Elections Registration Administrator, Auburn University, Election Center; and Washington State Certified Election Administrator.

Community Service: Lacey Rotary Club, Timberline High School Interact, TwinStar Credit Union Supervisory Committee, United Way of Thurston County, Women's Leadership Council, and Miss Thurston County Scholarship Program.

Statement: We expect the Secretary of State to ensure honest elections and uphold citizen confidence in the accuracy of counts, security of ballots, and voter accessibility. Meeting these expectations requires experience and proven, unbiased stewardship of our elections and public records.

Kim Wyman is an elections expert and leader. As a four-term County Auditor, Kim leads a nationally recognized, award winning office. She streamlined the ballot counting process – saving taxpayer dollars, led the way for email ballot delivery that improved military and overseas voter access, preserved important historic documents, and increased your access to public records.

Her collaborative leadership style has earned Kim a range of endorsements from the Washington Education Association to Republican, Democratic, and nonpartisan leaders, including 44 former and current county auditors. When elected Secretary of State, Kim will use her experience to modernize elections with accuracy and efficiency improvements, make archived documents and historical artifacts more accessible, and make it easier to start and manage small businesses.

"One election, we didn't get ballots while serving overseas. This experience convinced me to dedicate 19 years to protecting voters and ensuring accurate elections. With your support, I will continue this work as Secretary of State." - Kim Wyman

For More Information: (360) 742-0678; KimWyman12@comcast.net; www.KimWyman.com

Kathleen Drew

(Prefers Democratic Party)

Elected Experience: State Senator (1993-1997)

Other Professional Experience: Known as a professional manager, Kathleen has advised the Governor on sustainability and streamlining government, authored the State's Ethics in Public Service Law and helped build the University of Washington Bothell campus into the largest branch campus in the state.

Education: BA, Political Science, Ohio University

Community Service: As a volunteer, Kathleen raised funds to build transitional homes for foster youth, led a citizen's effort to identify schools capacity for a growing Issaquah School District, and as a member of Kiwanis, started an organic vegetable garden for the Thurston County Food Bank.

Statement: 'Impartial', 'Fair'. Washingtonians want those qualities in their Secretary of State. And those are the qualities I have shown throughout my life. *I'm not a career politician;* I'm an experienced, effective manager, committed to fair elections and increased voter participation. I authored our Ethics in Public Service law and served on the Commission on Government Ethics and Campaign Finance Reform. As Secretary of State, I will increase dropbox locations, push for same-day voter registration, and *oppose efforts to suppress voting.* I'll also streamline registration services for corporations, charities and non-profits.

I *strongly oppose the Citizens United decision* and support repeal. I'll work to increase transparency in the initiative process.

In 1992 I became the youngest woman ever elected to the State Senate. I never imagined that 20 years later women's basic rights would still be under attack and the number of elected pro-choice women in office would decline. My management background, statewide experience and commitment to fair, open elections prepare me to be *the first Democratic woman Secretary of State in over 50 years.*

Endorsed by: Washington State Labor Council, NARAL Pro-choice Washington, and King, Pierce, Snohomish, Thurston, and Kitsap County Democrats. I ask for your vote.

For More Information: (206) 979-5467; kathleendrew2012@gmail.com; www.kathleendrew2012.com

Jim McIntire

(Prefers Democratic Party)

Elected Experience: State Treasurer; 2008-current, State Representative, 46th District; 1998-2008

Other Professional Experience: Economist, Navigant Consulting, Inc.; 1999-2008; Faculty, UW Evans School of Public Affairs; 1983-2008; Fiscal Policy Advisor, Governor Booth Gardner; 1985-88; Research Scientist, Battelle; 1983-85

Education: PhD, Economics, UW; Master of Public Policy, Univ. Michigan; BA, Macalester

Community Service: Chair, Economic and Revenue Forecast Council, 2003-2008; Chair, House Finance Committee, 2003-06; Director, UW Fiscal Policy Center; 1993-98; Chair, Washington Community Economic Revitalization Board; 1994-98; Chair, Common Ground (nonprofit housing developer) 1992-98

Statement: In the wake of the financial turmoil that has shaken the national and local economies, Jim McIntire has been a tireless advocate for the safety and security of public funds, transparency in financial management, and smart, long-term investing to safeguard your tax dollars.

As Treasurer and chair of the State Finance Committee, Jim has been a voice for accountability, helping the state finance job-creating investments for transportation projects and capital improvements for schools, universities, and parks. Jim has helped limit state debt to ensure that sufficient resources will be available for future needs and implemented reforms that saved $1.3 billion in interest payments during these difficult economic times.

A consistent voice for financial accountability, Jim helped safeguard public deposits in banks throughout the state making sure public deposits were not lost or placed at risk in the wake of Wall St. meltdowns and bank closures. He also worked with homebuyers to provide counseling resources to help prevent foreclosure.

Jim McIntire brings over 30 years of hands-on financial leadership and experience in both the public and private sector. He has made the Treasurer's office more open and transparent and will be our voice for financial security and prosperity.

For More Information: (360) 399-6509; jim@jimmcintire.com; www.jimmcintire.com

Sharon Hanek

(Prefers Republican Party)

Elected Experience: Treasurer of non-profits including a Pierce County political party; local Little League, and a large private school.

Other Professional Experience: Owner of a successful tax and business advisory service; owned and managed a CPA firm 1985-1998; and founded a public policy research organization.

Education: University of Washington BA Business Administration and Accounting; CPA 1980; President of a UW international business students association.

Community Service: Youth/family service boards, community councils, Little League, private schools, political organizations, property rights alliances, and the Kent and White River School Districts PTAs', finance, and strategic planning committees.

Statement: I will combine my 30 years of CPA, tax advisory, and community service with common sense values to navigate Washington out of a decade of financial distress. It is time to have a professional accountant examine the books and challenge the legislature to be more cautious in making tax and spending choices. We need financial transparency so that you and state leaders can make informed decisions.

My background is not from academia; my background is to advise taxpayers and businesses in your hometown to make good choices on investment and jobs. Today jobs are uncertain, prices are uncertain, property values are uncertain and the price of education is rising precipitously. Olympia's solution is to raise taxes and fees. My solution would be to account for what we have spent and prioritize the rest. I will be the accounting Treasurer to lead the state into an era of fiscal sanity.

I will be the treasurer who will challenge any funding deficiencies in the L&I, pension, and GET programs.

Vote to preserve our fiscal future. Vote for accountability. Vote for Sharon Hanek.

For More Information: (253) 854-7075; SharonHanek@gmail.com; www.SharonHanek.com

James Watkins

(Prefers Republican Party)

Elected Experience: This is a job for a professional, not a politician. I work professionally to make organizations faster, more efficient, and more effective.

Other Professional Experience: In the 23 years since earning my MBA, I've done 150+ performance audits. I've been a successful executive and principle consultant in large professional services firms and run business units for Fortune 50 firms. I've worked with major federal agencies; non-profits; and innovative private sector businesses, large and small.

Education: BBA, MBA, George Washington University.

Community Service: Elected to leadership in Church, youth organizations, etc. Citizen activist focusing on good/open government issues. Active charity fundraiser. Married 27 years; two children.

Statement: State auditor is a job for an independent professional, not a politician. That's why retiring state auditor Brian Sonntag says *"...[Watkins] is particularly well qualified based on his experience and background to advance the State Auditor's Office and be an independent advocate for taxpayers."*

I have the judgment and real world experience to make sure we get a dollar's value from every dollar we pay in taxes. Since earning my MBA, *I've worked successfully for 23 years to make organizations faster, more effective, and more efficient – and we need more of that in Olympia.*

My opponent is a professional politician who voted repeatedly to weaken the auditor's office, massively increase state spending, and hike taxes. Now, he's asking you to trust him to audit and evaluate the very same government programs he voted to create! *That's like asking a fox to watch the henhouse.*

We need government we can trust. Citizens won't allow the legislature to raise taxes: efficiency and cost savings are the only way to fund our shared priorities while rebuilding voter trust. *As your state auditor, I pledge to drive efficiency and effectiveness; to limit fraud, waste, and abuse; and defend and expand open, transparent government.*

For More Information: (425) 390-4348; info@watkinsforauditor.com; www.watkinsforauditor.com

Troy Kelley

(Prefers Democratic Party)

Elected Experience: State Representative. Joint Legislative Audit Review Committee, Past Chairman. Washington Economic Development Association's Leader Award. Washington Council Police and Sheriffs Legislator of the Year. Endorsed by Realtors, teachers, firefighters, nurses, retirees.

Other Professional Experience: Business Owner, 1999-present; Lieutenant Colonel, Washington National Guard; Instructor, Army JAG School; Past President, Fortune 500 Company; Regulatory Audits, SEC; Department of Justice.

Education: BA, University of California, Berkeley; JD, MBA, State University of New York, Buffalo.

Community Service: Tacoma Chamber of Commerce, Tacoma PTA, VFW, United Way. Youth football and baseball coach. Met wife Diane in 1990. They live in Tacoma with their two sons and attend St. Leo's Church.

Statement: Retiring State Auditor Brian Sonntag says, "Troy gets it! He's the independent voice we need to ensure state dollars are focused on the right priorities. He's unwavering in his work eliminating waste and holding government accountable, ensuring we have transparent government. We need his kind of leadership."

Troy believes in fiscal integrity. Leading by example, he was the first of 147 legislators to voluntarily cut his pay in the economic downturn. Troy is the only candidate in this race to cut his pay and refuse all special session reimbursement payments.

Troy believes our ability to focus on top priorities like education depends on our ability to manage budgets responsibly. That's why he voted to uphold the will of the people ensuring lower class sizes, and uphold voter-approved initiatives fighting unfair tax increases. *The News Tribune* says, "The state needs more of his fiscal prudence. Kelley brings a welcome voice and small business perspective to the House and is strong on veterans issues." *The Moderate Washingtonian* said Troy supports "fiscal responsibility but doesn't waffle and has stood up for basic fairness on issues that matter."

Hire Troy Kelley as your next State Auditor. Ensure our tax dollars are spent wisely.

For More Information: (800) 831-8397; troy@troykelley.com; www.troykelley.com

Bob Ferguson

(Prefers Democratic Party)

Elected Experience: Elected three terms to the King County Council; unanimously elected Chair by colleagues to lead legislative branch of 150 employees; Law and Justice Committee Chair; 3-time Budget Chair.

Other Professional Experience: Law clerk in Spokane for Chief Judge Nielsen of the Federal District Court of Eastern Washington; Law clerk for Judge Bright of the 8th Circuit Federal Court of Appeals; Litigation Attorney, Preston, Gates & Ellis, one of Washington's leading law firms.

Education: Law Degree, New York University; B.A., University of Washington

Community Service: Bob and his family are active in St. Catherine's Church; Jesuit Volunteer Corps; Children and Youth Justice Coordinating Council on Gangs.

Statement: A fourth generation Washingtonian, husband and father, Bob Ferguson brings middle class values and independence to the office of Attorney General. Bob will reform government while protecting families, children, and small businesses from powerful special interests and dangerous criminals.

Bob will prosecute sexual predators to the fullest extent of the law and has a detailed plan to crack down on gangs. The Washington State Patrol Troopers Association, elected prosecutors, sheriffs, and law enforcement officials statewide endorse Bob.

A reformer, Bob has a record of protecting taxpayers and eliminating government waste. He balanced the County budget, pushed government to buy used furniture to save money, and returns part of his salary each year. He went against his party and risked his seat to eliminate four elected Council positions. Politicians talk about reducing government - Bob's done it.

Son of a public school teacher and Boeing employee, Bob will prosecute powerful special interests that rip off seniors, veterans, and taxpayers. Bob will fight insurance companies that wrongfully deny coverage to hardworking people. Endorsed by Washington Conservation Voters, Bob will prosecute polluters and force the federal government to clean up Hanford. Endorsed by Planned Parenthood, Bob will protect a woman's right to choose.

For More Information: (206) 523-7245; mikescottwebb@gmail.com; www.electbobferguson.com

Reagan Dunn

(Prefers Republican Party)

Elected Experience: King County Councilmember (2005-present)

Other Professional Experience: Federal Prosecutor / Assistant US Attorney, Western District of Washington, Terrorism and Violent Crime Unit; Special Assistant US Attorney, Southern Florida and District of Columbia; Senior Counsel to the Director, Executive Office for US Attorneys, Department of Justice, Washington, D.C.; National Coordinator, Project Safe Neighborhoods; Chair, U.S. Department of Justice Firearms Enforcement Assistance Team; Private Attorney, Inslee Best Doezie and Ryder, P.S.

Education: Juris Doctor, University of Washington School of Law, Order of Barristers; B.A., Arizona State University, magna cum laude

Community Service: WSBA's Legal Aid Committee; Fmr. Board Member, Eastside Legal Assistance Program; Board Member, Bellevue Schools Foundation

Statement: *Experience:* I am the only candidate with both experience as a prosecutor in the courtroom and experience leading teams of law enforcement officials to put dangerous criminals behind bars. *Vision:* I will fight to keep our communities safe, protect consumers from unethical businesses, preserve our environment, and get more out of our tax dollars. Washington should be the best place to start a small business and the worst place to commit a crime.

Integrity: The U.S. Department of Justice has placed its trust in me, and I have passed rigorous "full-field" FBI background investigations resulting in *Top Secret* security clearance.

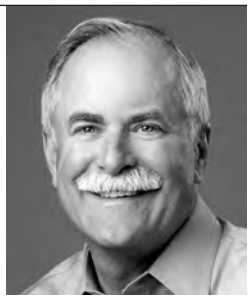
Independence: As an elected official, I have a reputation for doing what's right, even when it's not popular. I will use my experience as a federal prosecutor to protect the public from predatory businesses, polluters, cyber criminals, and those who prey on our most vulnerable citizens.

Broad support: I am the only candidate endorsed by more than 40 Democratic, Republican, and Independent elected county prosecutors and sheriffs, three former Attorneys General, and countless law enforcement professionals including the Council of Metropolitan Police and Sheriffs. I'm also proud to have key support from firefighters, doctors, realtors, builders, farmers, and many others.

For More Information: (206) 232-0339; info@reagandunn.com; www.reagandunn.com

Peter J. Goldmark

(Prefers Democratic Party)



Elected Experience: Commissioner of Public Lands

Other Professional Experience: Lifelong rancher, scientist, wheat breeder, Director of Agriculture

Education: B.A. Haverford College; Ph.D. Molecular Biology, University of California Berkeley; Postdoctoral Fellowship in Neurobiology, Harvard

Community Service: Former President and member of the WSU Board of Regents; Okanogan School Board Member; volunteer wild land firefighter for over thirty years

Statement: A lifelong Eastern Washington rancher and father of five, Peter Goldmark has restored integrity to the management of nearly 15 million acres of forest, agricultural land and water resources. Peter works hard to maximize the potential for jobs, recreation, education, and wildlife preservation throughout Washington.

Trained as a scientist, Peter understands the need to reduce our dependence on foreign oil and address climate change through renewable energy resources, which is why he passed legislation to grow this exciting industry.

Peter led efforts to restore Puget Sound and promote sustainable shellfish farming. He protected crucial habitat on Maury Island from international mining operations and launched Puget SoundCorps, putting youth and veterans to work on vital cleanup projects.

Endorsed by the Washington Conservation Voters, Peter knows that forests are essential to our quality of life, supporting an industry that provides jobs to communities across our state, while providing clean air and water to the benefit of all Washingtonians. That's why he preserved 15,000 acres along the I-90 corridor, created the Community Forest Trust to protect endangered timberlands, and kept forests open for recreation.

With your vote, Peter will continue restoring Puget Sound, sustainably managing forests, protecting wildlife, and developing renewable energy jobs.

For More Information: (206) 913-8619; info@petergoldmark.com; www.petergoldmark.com

Clint Didier

(Prefers Republican Party)

Elected Experience: No information submitted

Other Professional Experience: Farmer/rancher, owner of Back Forty Farms, our second-generation family farm; NFL player 1981 – 1989; Presidential appointee to Washington State Committee of national Farm Service Agency 2000-2008.

Education: Graduated from Connell High School; B.S in Political Science, Portland State University.

Community Service: Connell High School Football Coach 1999-2009, coaching teams that included my three sons (I also have one daughter with my wife of 30 years, Kristi, and 2 grandchildren), and winning 2 state championships; Charity Tournament Director, "Fighting Children's Cancer" 2004-2010; Member, Washington State Farm Bureau.

Statement: In Washington, we depend on the land for food, homes, business and recreation. But "We the People" also own millions of acres held in trust for us. Revenues from those lands (now, more than $200 million) finance school construction and many county services. But the state projections show that those revenues are likely to go down in coming years.

But we can turn that around to protect our children's' future by generating more revenues through sustainable uses of these properties.

I am a steward of the land-a second generation farmer in the "breadbasket" known as the Columbia Basin, and an avid sportsman. In order to be sustainable, I must farm the land to be as productive as possible but at the same time regard all environmental concerns including land/water quality, and preservation of wildlife.

Much of the public lands are located in areas that have had little "say" in Olympia. My goal is to change that process. And I will run Department of Natural Resources as a lean organization, watching over taxpayer dollars. I'm a farmer who knows the land, the forests, the water and the wildlife. I'd like to manage them for the citizens of Washington.

For More Information: (509) 380-7324; farmerdidier@gmail.com

Randy I. Dorn

(Nonpartisan)

Elected Experience: Current Superintendent of Public Instruction; State Representatives for seven years, Chair of the House Education Committee.

Other Professional Experience: Elementary and middle school teacher; elementary and high school principal; Executive Director of the Public School Employees of Washington.

Education: Bachelor's Degree from University of Idaho; Masters Degree in education from Pacific Lutheran University; Superintendent's credential from Washington State University.

Community Service: Jobs for America's Graduates National Board of Directors; Washington State Department of Natural Resources' Board of Natural Resources; Association of Washington School Principals' President's Award; Washington Association of School Administrators' Golden Gavel Award; Association for Career and Technical Education's National Leadership Award.

Statement: For the past three years I've had the privilege of being your Superintendent of Public Instruction. I first ran for this office in 2008 to reform education and bring new leadership to Olympia, and in a few short years, we've made a lot of progress: We replaced the WASL with a better, fairer system of testing, Enacted reforms to hold everyone in education more accountable for student learning, and improved our ability to improve or remove struggling teachers, Created cutting-edge programs to prepare our kids for the jobs of the future by partnering with companies like Microsoft and Boeing, And I have consistently led the fight in Olympia for more education funding to meet our constitutional obligation to Washington's kids.

I am running for re-election because the work is not done. We must continue to reform our schools in order to maintain high standards and increase accountability. And we need to demand full funding of education so our students have the tools and resources they need to get the world-class education they deserve.

As a teacher, principal, and legislator I've always made our kids' future the highest priority.

I would appreciate your vote.

For More Information: (253) 256-2147; info@randydorn2012.com; www.randydorn2012.com

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Mike Kreidler

(Prefers Democratic Party)

Elected Experience: Mike Kreidler has served with distinction as Insurance Commissioner since 2001. Mike also served as a school board member, State Representative, State Senator and U.S. Congressman.

Other Professional Experience: Mike worked as a Doctor of Optometry for 20 years. He was a small business owner and served as Director of Region 10 for the U.S. Department of Health and Human Services.

Education: Mike earned a Doctor of Optometry degree from Pacific University and a master's degree in public health from UCLA.

Community Service: Mike is a retired Lieutenant Colonel in the U.S. Army Reserves. He has been a member of a number of community service organizations.

Statement: Mike Kreidler is a strong and independent voice willing to stand up to powerful industry interests as the state's top advocate for insurance consumers. In his first three terms, Mike Kreidler saved consumers over $300 million in auto and homeowners' insurance by cutting excessive premium rates proposed by insurance companies. His free advocacy program helped consumers recover over $160 million in wrongfully delayed or denied claims.

The people of our state deserve quality, affordable health insurance. Mike Kreidler has worked tirelessly to make sure that insurance companies can no longer deny coverage to those of us with health issues. Mike is fighting for legislation that will stop non-profit health insurers from stockpiling excess profits. He will continue working with consumer, business and legislative leaders to make health care reform a reality and bring hope to the one million men, women and children in Washington who have no coverage today.

Mike Kreidler is a proven leader who has served the people of Washington with dedication, fairness and hard work. That's why he's consistently earned endorsements from consumer, labor, business, retiree, educational, and health care organizations and individuals across our state. Please join them by keeping Mike Kreidler as your Insurance Commissioner.

For More Information: (360) 352-5661; mike@mikekreidler.com; www.mikekreidler.com

John R. Adams

(Prefers Republican Party)

Elected Experience: Lake Washington School District Board of Directors - 8 years

Other Professional Experience: Board Member Washington Assigned Risk - USL&H pool; 42 years as Insurance Underwriter and Broker

Education: University of Washington BA Business Government & Society; Hartford Insurance Group Career Development Program; Continuing Education in many different areas

Community Service: US Army 1962-65; American Legion; Port of Seattle FTAC committee

Statement: Ex-Congressman Kriedler has been our State's Insurance Commissioner for 11 years. It's time for a change. Over the past seven years annual healthcare premiums increased 50% and employee share of premiums increased by 63%. If premium trends continue the average premium for family healthcare coverage will rise 72 percent by 2020.

Our State Insurance Commissioner's system for regulating private insurance companies is outdated. It stifles and limits competition. Access of affordable insurance can be expanded through smarter regulations. Unfair underwriting practices must be stopped to elminate discrimination.

I will present a series of remedies to shortcomings of so-called "healthcare reform" to restore choice and increase market availability. I will provide leadership for enabling group purchasing of prescription drugs in this state to lower healthcare coverage costs and reduce Co-pays. State tort laws must be reformed to address rising costs to medical care providers in order to make treatment affordable.

With my four decades of experience as an independent insurance broker serving Seattle's commercial insurance needs, I know how to get insurance cost down for consumers. As a former elected member of the Lake Washington's School Board, I worked for better schools by cutting bureaucracy that discouraged good classroom teaching.

For More Information: (206) 282-7000; adams-seagen@att.net; www.infoJohnAdams.com

What do they do?

Qualifications and responsibilities for legislative offices

Each office has different qualifications and varying responsibilities. One common qualification for all of these elected offices is that a candidate must be a registered voter. To run and serve as a state Legislator, a candidate must be a registered voter of the legislative district from which he or she is elected.

State Legislative Offices

During legislative sessions, the Legislature is called upon to enact or reject legislation affecting public policy in the state, provide for the levy and collection of taxes and other revenue to support state government and assist local government, and appropriate funds for these purposes.

State Senator

A Senator's term is four years. The state Senate is made up of 49 members, one from each legislative district in the state. One-half the membership of the Senate is up for election each even-numbered year.

The Senate's only exclusive duty is to confirm appointments made by the Governor.

State Representative

A Representative's term is two years. The state House of Representatives is made up of 98 members, two from each legislative district in the state. The total membership of the House is up for election each even-numbered year.

Candidate statements are printed exactly as submitted. The Office of the Secretary of State does not make corrections of any kind or verify statements for truth or fact.

Kevin Ranker

(Prefers Democratic Party)

Elected Experience: WA State Senator '08-'12; San Juan County Councilmember '04-'08

Other Professional Experience: Nearly two decades of professional experience in the private and public sectors developing policy, community development strategies, and conservation initiatives: Principal and Owner of a successful consulting company for several years; Chair of the San Juan County Board of County Commissioners; Senior Fellow with the Ocean Foundation; Chair of the Washington Counties Transportation Committee.

Education: BS, Evergreen State College, Ecology/ Community Development; Graduate, University of Idaho, Energy Horizon Institute

Community Service: Board of Directors UCD School of Wildlife Health SeaDoc Society, Orcas Island; San Juan Island Grange; Sons of the American Legion

Statement: As a husband and father, with his son in the US Navy and his daughter in the same Orcas Island home his grandmother lived in while teaching elementary school, Kevin is rooted in our region and is committed to our quality of life.

As your Senator, Kevin's focus has been on our shared priorities. In his first term, he helped create thousands of needed jobs with local transportation and capital improvement projects. He established critical tax reforms for small businesses. Kevin helped create the strongest oil spill response and preparedness program in the country. He's championed environmental restoration; cleaning up and restoring toxic sites and expanding renewable energy projects-creating numerous green jobs in the process.

As your Senator, Kevin Ranker fought cynical partisan attacks on our schools and universities; protecting K-12 and Higher Education from additional budget cuts. He's proud to have sponsored historic legislation extending full marriage equality to every Washington couple. He's a tireless advocate for women's reproductive rights, family planning and the protection of the social safety net in the budget.

With your support, Kevin will to continue focusing on jobs, economic development and protecting our quality of life. *Let's send Kevin Ranker back to Olympia.*

For More Information: (360) 305-6831; info@kevinranker.com; www.KevinRanker.com

John Swapp

(Prefers Independent-Gop Party)

Elected Experience: None

Other Professional Experience: A small business owner, I am the founder of a small advanced-technology manufacturing company, now in it's 16th year of operation. I have first-hand experience in starting a business, creating a workforce & payroll, and maintaining that payroll through good times and bad.

Education: Bachelor of Science, Manufacturing Engineering Technology, Western Washington University, 1984

Community Service: Sedro-Woolley chamber of Commerce; Board of Directors; Sedro-Woolley Rotary club; Chinook Enterprises; Business Advisory Council; Sedro-Woolley High School; Vocational Advisory Council; Society of Manufacturing Engineers; Seattle Chapter Board of Directors

Statement: I'm running for Senate to provide a pragmatic voice in the creation of jobs, improving schools and protecting our way of life. Growing up in Anacortes and playing on the beaches since I was a child has given me the desire to preserve our unique environment. I will listen, respect the opinions of others and work with anyone regardless of party to find solutions.

Coming from a family of teachers, I understand the challenges of our education system, and will work with all stakeholders to find solutions.

As a proven job creator, I see our state becoming less competitive and lacking focus on how to create jobs. I will help the private sector grow by reducing the tax burden on everyone and reducing excessive regulations while maintaining our strong environmental protections. I have spent years making calm, measured and rational decisions in the aerospace industry and I can bring that experience to Olympia. The incumbent voted for job-killing tax increases and overturned the voters' will to require a 2/3 majority to increase taxes. I will bring practical and personal knowledge, based on education and experience in the real world outside of government beauracracy, to the State Senate.

For More Information: (360) 770-3006; john@jetpoint.com; www.SwappForSenate.com

Kristine Lytton

(Prefers Democratic Party)

Elected Experience: State Legislator/40th District; Assistant Majority Floor Leader, State House of Representatives; Vice-Chair of the House Education Committee, Member, Agriculture and Natural Resources and Capital Budget Committees.

Other Professional Experience: Former President of Anacortes School Board; Shell Oil Company, Financial/Accounting Departments; Citicorp Executive Development Center, Staff Vice President.

Education: Southern Illinois University, University of Missouri, Lewis & Clark Community College (Godfrey, Ill.)

Community Service: Skagit County Community Action Agency; Ecosystem Coordinating Board; Anacortes Schools Foundation, past Board member; Anacortes Senior College, past Board member; Anacortes/San Juan Island American Red Cross, past Board member.

Statement: Kristine Lytton was elected Assistant Majority Leader in her first legislative term, giving our 40th District a front row seat in delivering for our priorities: education, jobs and the environment. She made sure there were no education cuts this year; delivered new teacher/principal evaluation systems; and funded grants to train kids for future science jobs.

Kristine supported new construction jobs for our region and helped improve roads and ferries. With Kristine's support, farms are protected the same as other natural resources, and new laws and funding will help end derelict nets and fishing gear in our marine waters.

For More Information: (360) 299-4542; MrLytton@fidalgo.net

Brandon Robinson

(States No Party Preference)

No photo submitted

No information submitted

For More Information: (360) 420-5081; contact@robinsonforstaterep.com

Jeff Morris

(Prefers Democratic Party)

Elected Experience: No information submitted

Other Professional Experience: Significant Career Experience: Jeff Morris is a fourth-generation native of Guemes Island. As owner of Energy Horizon LLC, Jeff directs an international energy planning program. He was co-founder of Northwest Energy Angels which invest in new energy technology start-ups. The US Dept. of Energy recognized his achievements by naming him a "West Coast Power Player" and his work was internationally recognized by the Canadian Government. Noted as one of our most prominent leaders on energy and technology policies, Jeff speaks on these subjects each year around the world.

Education: No information submitted

Community Service: No information submitted

Statement: It is my great privilege to represent the citizens of Skagit, Whatcom, and San Juan counties. I am asking you for that privilege again. I have challenged our State government to get out of the box and approach problems differently. It is not an easy fight. Changing business as usual will solve problems more efficiently and effectively. I offer a win-win approach to extreme views in Government. I will also continue my work in technology, clean energy, communications and privacy to get you the newest technology quickly, clean energy cheaply and protect your privacy.

For More Information: (360) 941-6860; jeff@morriscampaign.com

Howard A. Pellett

(Prefers Green Party)

Elected Experience: Appointed 6 years Bothell Planning Commission, elected 4 years Bothell City Council, chosen chair Green Party of Skagit County 10 years.

Other Professional Experience: Significant IRS experience investigation and prosecution of foreign tax evasion schemes and white collar crime.

Education: Bachelor of Science in accounting.

Community Service: Activist formerly involved with the North Sound Alliance. Currently involved with Living Democracy-Skagit. Also President of the Guemes Island Property Owners Association and Alverson Tract Owners Association. Self help group facilitator for Smart Recovery, a substance abuse program with meetings conducted at Monroe Prison, the Everett Community Justice Center and Anacortes. Endorsed by the Green Party of Washington.

Statement: I'm asking you to "throw your vote" away, not vote for the lessor of two evils. The sooner we begin to cause candidates of major parties to lose elections, the sooner we'll chang the system. We limit campaign contributions to $100 from individuals only.

Issues I promise to work on are the Motion to Amend the constitution to eliminate corporate person hood, the movement to acquire Community Bills of Right, a State Bank and opposition to the planned coal ports proposed for the Northwest which are estimated to send 150 million tons of coal to Asia, adding to global climate change.

For More Information: (360) 293-8128; howardp71@gmail.com; www.pellett.net

What do they do?

Qualifications and responsibilities for judicial offices

Each office has different qualifications and varying responsibilities. One common qualification for all of these elected offices is that a candidate must be a registered voter. Judicial candidates in Washington are selected in nonpartisan elections; they do not identify a political party preference.

State Judicial Offices

Judicial candidates must be in good standing to practice law in the state, and are prohibited from making misleading or untruthful comments, or statements that appear to commit them on legal issues likely to come before them in court.

Supreme Court Justice

Nine justices sit on the state Supreme Court, each serving six-year terms. Three justices are up for election every two years and are elected statewide.

The Supreme Court hears appeals and decides on cases from the Court of Appeals and other lower courts.

Court of Appeals Judge

A total of 22 judges serve the court in three multi-county divisions headquartered in Seattle, Tacoma and Spokane. Each division is broken up into three districts. A candidate must be a registered voter of the district from which he or she is elected. Court of Appeals Judges serve six-year terms.

Courts of Appeals hear and decide on most of the appeals that come up from the Superior Courts.

Superior Court Judge

Superior Courts are organized by county into 31 judicial districts. A candidate must be a registered voter of the district from which he or she is elected. Superior Court Judges serve four-year terms.

Superior Courts hear felony criminal cases, civil matters, divorces, juvenile cases, and appeals from lower courts.

Candidate statements are printed exactly as submitted. The Office of the Secretary of State does not make corrections of any kind or verify statements for truth or fact.

Susan Owens

(Nonpartisan)

Legal/Judicial Experience: Susan Owens joined the Washington State Supreme court in 2000 after serving nineteen years as District Court Judge in Western Clallam County. She also served as the Quileute Tribe's Chief Judge for five years and Chief Judge of the Lower Elwha S'Klallam Tribe for six years.

Other Professional Experience: Justice Owens serves on the Rules Committee, the Bench-Bar-Press Committee, and the Board for Judicial Administration.

Education: Duke University (1971); University of North Carolina at Chapel Hill, (J.D. 1975.)

Community Service: Justice Owens has offered decades of community service to our citizens and the issues she is passionate about. Please see www.JusticeSusanOwens.com for complete biography.

Statement: "I bring proven experience and an important perspective to the Supreme Court. I'm a longtime rural judge, mother and independent voice for common sense rulings that respect our rights, our privacy—and our Constitution."

A judge for 31 years, Supreme Court Justice Susan Owens has served with integrity, independence and a strong commitment to your Constitutional rights. Prior to being elected to the Supreme Court in 2000, Justice Owens served on the Clallam County District Court for nearly two decades. Known for balanced, common sense rulings, she earned a national reputation teaching judges how to enforce tougher domestic violence laws.

One of the most productive Justices, authoring numerous important opinions on complex cases, Justice Owens has served with honor and the respect of her peers. Her plain interpretations of the law are rooted in common sense, free of bias, and seek to respect your rights and privacy.

Justice Owens has never held partisan office. A seasoned judge when she joined the court, she has earned the respect and endorsements of judges statewide, advocates for women, crime victims, working families and law enforcement. Justice Owens has earned high ratings and deserves your vote. Re-elect Justice Susan Owens.

For More Information: (360) 866-6052; sowens@olypen.com; www.justicesusanowens.com

Unopposed

Steve Gonzalez

(Nonpartisan)

Legal/Judicial Experience: Current Supreme Court Justice. Ten years as a King County Superior Court Judge. Practiced criminal and civil law as an Assistant US Attorney, a Domestic Violence Prosecutor in Seattle, and an Associate at Hillis Clark Martin & Peterson.

Other Professional Experience: Chair, Access to Justice Board. Chair, Court Security Committee. National instructor on international terrorism prosecution.

Education: B.A. with Honors, Pitzer College. J.D., U.C. Berkeley School of Law. Rotary Scholar in Economics, Hokkaido University (Japan). Honorary Doctorate from Gonzaga University. Speaks Japanese, Spanish, and Chinese.

Community Service: Regularly mentors minority and low-income students and speaks on the importance of public education and understanding our judicial process.

Statement: Justice Steve Gonzalez is a husband and father with a long and distinguished career serving the people of Washington. Before joining the Supreme Court, Steve spent a decade as King County Superior Court Judge, where he earned the respect of attorneys, jurors, and litigants. Steve is passionate about justice for all.

Before becoming a judge, Justice Gonzalez was a federal and municipal prosecutor, prosecuting terrorism, identity theft, and domestic violence. He also worked as a business attorney and regularly provided free legal services for people who could not pay.

Justice Gonzalez has received numerous awards and recognition as a jurist, including "Outstanding Judge of the Year" from the Washington State Bar and the "Vanguard Award" from KC Washington Women Lawyers. He is rated "exceptionally well qualified" by nine professional *and* civic organizations.

Justice Gonzalez is overwhelmingly endorsed by: *All* the State Supreme Court Justices; 250 judges across the state; Congressman Jay Inslee and Attorney General Rob McKenna; the State Labor Council and Association of Washington Business; Republican and Democratic Legislative Districts; the State Council of Firefighters and Patrol Troopers; Lenny Wilkens, Anne Levinson, Tomio Moriguchi, Sal Mungia, Governor Dan Evans, Judge Charles V. Johnson (ret.), and thousands more.

For More Information: (360) 207-1789; info@justicegonzalez.com; www.justicegonzalez.com

Unopposed

Sheryl Gordon McCloud

(Nonpartisan)

Legal/Judicial Experience: Extensive trial and appellate experience; hundreds of arguments to the Washington State Supreme Court and other appeals courts. Teaches Supreme Court advocacy to law students and practicing lawyers.

Other Professional Experience: Service on Supreme Court committees and statewide and national organizations promoting meaningful access to the judicial system. Obtained significant court rulings establishing our right to courtrooms open to the public and press, pregnancy disability leave, and fair mortgage practices.

Education: J.D., University of Southern California Law Center, Editor, Southern California Law Review; B.A., State University of New York, cum laude

Community Service: Gynecological Cancer Foundation and youth art and sports activities while raising two sons

Statement: Supreme Court Justices must be people who appreciate the effect of their decisions on ordinary people. As a former union member who is married to an educator and is the mother of two, Sheryl McCloud understands the concerns of women and working families and will bring that connection to the Supreme Court bench.

For 28 years, Sheryl has been defending our Constitutional rights in the Washington Supreme Court and other appellate courts and is the best qualified candidate for this position. Lawyers nationwide seek her expertise and advice.

Sheryl McCloud has a proven record of commitment to communities of color and a long history of providing free legal assistance to those who lack the ability to pay - those who would be without meaningful access to justice without her help. In one of her first volunteer cases, she helped successfully defend a woman's right to pregnancy disability leave in the U.S. Supreme Court. She's not a career politician, but an experienced appellate lawyer who will bring to the court an unparalleled depth of experience.

Endorsements: King County Democratic Central Committee; James Bible; Rev. Dr. Carey Anderson (of First AME Church); Larry Gossett; Estela Ortega; NARAL Pro-Choice Washington; others at www.mccloudforjustice.com

For More Information: (206) 418-9228; sheryl@mccloudforjustice.com; www.mccloudforjustice.com

Richard B. Sanders

(Nonpartisan)

Legal/Judicial Experience: I served on the Supreme Court until 2011, first elected in 1995; and reelected in 1998 and 2004. I wrote more opinions than any other current Justice. Before that, I practiced law for 26 years. I also served as an adjunct professor teaching appellate advocacy at the UW School of Law, and guest lectured on state constitutional law at Seattle University.

Other Professional Experience: I am an Eagle Scout and played for the University of Washington in the Rose Bowl. (French horn!)

Education: B.S. and J.D., University of Washington

Community Service: I frequently lectured and wrote many legal articles and opinion pieces explaining our constitutional rights.

Statement: *Why has Justice Tom Chambers endorsed Richard Sanders to take his seat on the Court? Because he knows Richard is a person of unquestioned integrity, devoted to protecting the rights of all citizens.*

Article 1, Section 1 of our constitution states: "governments...are established to protect and maintain individual rights." I believe that's also the job description of a Supreme Court Justice: we must look out for the "little guy" and protect citizen rights. Sometimes this makes me seem conservative, as when I support property rights, and sometimes it makes me seem liberal, as when I fight for free speech and personal rights to privacy. But I am consistent: we have rights the government must not violate.

Thomas Jefferson said the God who gave us life gave us liberty as well. It's a good thought to remember. I have support that cuts across the spectrum, with endorsements including: the State Republican and Libertarian Parties; legislators; judges and civil libertarians-- and more than 1,000 endorsers, including the Association of Washington Business and Washington Realtors.

Richard Sanders has earned our support and protected our rights. Vote to return Sanders to the Supreme Court.

For More Information: (206) 999-9350; RBSanders@aol.com; www.friendsofjustice.com

Mary Kay Becker

(Nonpartisan)

Legal/Judicial Experience: Court of Appeals Judge since 1994. Chief judge of Division One for two years; one year as presiding chief judge of the entire court. Attorney in private practice in Bellingham from 1984-1994.

Other Professional Experience: Legislator elected to represent 42nd District in Whatcom County for four terms, 1975-1983; Member of Whatcom County Council, 1984-85.

Education: Lake Quinault High School, 1962; B.A. Stanford University, 1966; B. Ed. Western Washington University, 1970; J.D., University of Washington School of Law, 1982.

Community Service: Judge Becker was a member of Washington's first constitutional redistricting commission. She was a member of Western Washington University's Board of Trustees from 1989-94.

Statement: Mary Kay Becker was born in Aberdeen, Washington and grew up working at her family's business at Kalaloch. She has been a resident of Bellingham since 1969.

Judge Becker was first introduced to the practice of law as a paralegal for Northwest Washington Legal Services. In 1973 she co-authored "Superspill", a fictional account of a major oil spill on Puget Sound. As a member of the state House of Representatives she became particularly involved with legislation having to do with juvenile and adult sentencing, agriculture, environmental affairs, and budgeting for social services and institutions.

This year, Judge Becker is running unopposed. She thanks the voters for the opportunity to do the challenging and interesting work of the Court of Appeals.

A useful website to find out more about judicial candidates in Washington is www.votingforjudges.org

For More Information: (360) 920-1079; marykaybecker2012@gmail.com

Unopposed

Donald E. Eaton

(Nonpartisan)

Legal/Judicial Experience: No information submitted

Other Professional Experience: No information submitted

Education: University of Vermont, BA in 1964; Boston College Law School, JD in 1967; Commissioned Officer in United States Army, 1968-1971.

Community Service: No information submitted

Statement: Prior to being appointed as Superior Court Judge in March of 2010, I practiced law in San Juan County for 31 years and served as San Juan County Superior Court Commissioner for 26 years. I have gained the experience and knowledge necessary to continue servingwith distinction as your elected Judge.

For More Information: (360) 378-4681; shyrleaton@gmail.com

Unopposed

San Juan County
Official Local Voters' Pamphlet
November 6, 2012 General Election

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Plan ahead!

Late ballots cannot be counted!

Be sure your ballot is postmarked no later than Election Day

OR

placed in one of our ballot drop boxes by 8:00 p.m. Election Day.

F. Milene Henley, Auditor
San Juan County
P.O. Box 638 Friday Harbor, WA 98250
(360) 378-3357 • FAX: (360) 378-8856 www.sanjuanco.com

Roll up your sleeves – it's gonna be a tough election.

Not only do we elect a President and Vice-President this year – as well as Governor and several other state offices – we also have a whole mess of ballot measures to wade through. Seven of those measures are local measures: three propositions by the Charter Review Commission, one county-wide initiative, a Lopez tax measure, and two Orcas school measures. Eight are state measures, including the first-ever "Advisory Votes" on legislated tax changes.

There's a phenomenon in elections known as "voter fatigue." It refers to the observation that on long ballots, we see fewer votes later in the ballot. That is, everybody starts out strong and votes for President and Vice-President and those important county-wide local measures. But people tire of reading and thinking and making decisions, and in a significant number of ballots, at some point in the ballot, stop voting.

It's a shame, because on the second page of this November's ballot are some of the issues that will affect you the most. Governor, for example, and all the state offices, are on the second page. It may seem strange that those important positions are pushed to the back. But ballot order is prescribed by state code, and state measures, county measures, and, of course, President and Vice-President all precede Governor. With the large number of state and local measures this year, the choice between Jay Inslee and Rob McKenna got bumped to the second page. Also on the second page are all the other state offices, our legislative district senator and representatives, and the Lopez and Orcas local measures.

So prepare yourself, and don't fall victim to "voter fatigue." Arm yourself with water, pen, ballot, and Voters' Pamphlet; sit down at your kitchen table with the other voters (or future voters) in your household; and wade through that ballot.

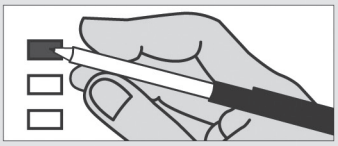
America is counting on you, and so am I.

Milene Henley

San Juan County is a vote-by-mail county. Your ballot will be mailed to you.

Ballot marking instructions

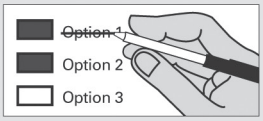
How to vote



Use a dark blue or black ink pen to completely fill in the box to the left of your choice.

Vote for one in each race. If you vote for more than one, no votes will be counted for that race.

If you make a mistake



Draw a line through the entire measure response or candidate's name.

Then you may make another choice.

Optional write-in

To vote for a candidate not listed, fill in the box to the left of "write-in" and print the name on the line.

Voting instructions

1. Mark all races and measures on which you wish to vote. Unless otherwise noted, vote for one in each contest. If you vote for more than is allowed, no votes will be counted for that race. You do not have to vote every issue.
2. Fold your voted ballot and place it in the pink secrecy sleeve.
3. Place the secrecy sleeve containing the ballot into the return envelope.
4. Read, sign, and date the Voter's Declaration on the return envelope. **We cannot count your ballot unless you sign the Declaration.**
5. Seal the return envelope.
6. **If you mail your voted ballot**, first-class postage is required.
7. **If you place your voted ballot in one of our ballot drop boxes** or bring it to the Elections office, no postage is necessary.

Voters with disabilities

Voters with disabilities may choose to use the accessible voting machine located in the Elections office starting 18 days prior to Election Day, 8:00 a.m. to 4:30 p.m. weekdays and until 8:00 p.m. on Election Day.

Need a replacement ballot?

You have options for obtaining a replacement ballot:

1. Download a replacement ballot yourself: Go to www.myvote.wa.gov, sign in with your name and date of birth, click the *My Ballot* button on the left, and follow the instructions;

OR

2. Call, email, fax, write, or come in person to request a replacement ballot:

San Juan County Elections
55 Second St., Ste. A
PO Box 638
Friday Harbor, WA 98250
Phone: (360) 378-3357 FAX: (360) 378-8856
Email: elections@sanjuanco.com

Locations of ballot drop boxes

San Juan County Elections Office Lobby
55 Second St., Ste. A, Friday Harbor
8:00 a.m. to 4:30 p.m. and until 8:00 p.m. on Election Day

Outside the San Juan County Courthouse
Second St. entrance, Friday Harbor
24-hour drop box

Outside the Lopez Island Fire District #4 Office
Fisherman Bay Rd., Lopez Village
24-hour drop box

Outside the Orcas Island Senior Center
62 Henry Rd., Eastsound
24-hour drop box

Sample Ballot

This ballot checklist shows all San Juan County measures and candidates approved for inclusion on the ballot in the November 6, 2012 General Election.
Not all races and measures will be on your ballot.

Countywide measures

Initiative Measure 2012-4
Concerns prohibitions on the growing of genetically modified organisms

Initiative Measure No. 2012-4 concerns the growing of genetically modified organisms in San Juan County. This measure would make it unlawful to propagate, cultivate, raise or grow plants, animals and other organisms which have been genetically modified and provides for penalties and destruction of such organisms.

Should this measure be enacted into law?

- ☐ Yes
- ☐ No

San Juan County
Proposition No.1
Concerns charter amendments to reduce the number of County Council members from 6 to 3

The San Juan County Charter Review Commission has proposed charter amendments to reduce the number of Council members. This measure would reduce the County Council from six (6) members nominated and elected by district to three (3) members, each residing in a separate district but nominated and elected by the entire County. This measure also includes technical revisions and clarifications to the charter and a transition plan that provides for implementation at special elections in April 2013.

Should this proposal be:

- ☐ Approved
- ☐ Rejected

San Juan County
Proposition No. 2
Concerns charter amendments regarding County executive and administrative duties

The San Juan County Charter Review Commission has proposed amendments to the San Juan County Charter concerning who will perform executive and administrative duties. This measure would remove references to the County Administrator as the chief administrative officer and as part of a separate branch of county government; place with the County Council those administrative and executive powers not granted to other elected officials; and require that the County Council appoint a County Manager to assist the Council in carrying out its duties. This measure also includes technical revisions and clarifications to the charter.

Should this proposal be:

- ☐ Approved
- ☐ Rejected

San Juan County
Proposition No. 3
Concerns amendment to the charter regarding open public meetings

The San Juan County Charter Review Commission has proposed amendments to the San Juan County Charter concerning open public meetings. This measure would add a provision to the County charter to state that all meetings of the County Council and all committees thereof be open to the public except when a private (executive) session or closed session is allowed by law. This measure also includes technical revisions and clarifications to the charter.

Should this proposal be:

- ☐ Approved
- ☐ Rejected

County Council Member races

County Council Member–District 1

- ☐ Bob Jarman
- ☐ Lovel Pratt

County Council Member–District 3

- ☐ Marc A. Forlenza
- ☐ Howard (Howie) Rosenfeld

County Council Member–District 4

- ☐ Scott Lancaster
- ☐ Rick Hughes

Orcas Island measures

Orcas Island School District No. 137
Proposition No. 1
Concerns General Obligation Bonds

The Board of Directors of Orcas Island School District No. 137 adopted Resolution No. 2012-11 concerning this proposition for bonds. This proposition would authorize the District to renovate or replace existing buildings and to construct additional facilities, to issue $11,900,000 of general obligation bonds maturing within a maximum of twenty years, and to collect excess property taxes annually to repay the bonds, as provided in Resolution No. 2012-11.

Should this proposition be:

- ☐ Approved
- ☐ Rejected

Orcas Island School District No. 137
Proposition No. 2
Concerns a two-year general technology capital projects levy

The Board of Directors of Orcas Island School District No. 137 adopted Resolution No. 2012-12 concerning a two-year technology modernization levy. The proposition authorizes the modernization of District facilities by implementing technology facilities and projects and the application and modernization of technology systems for operations and instruction; and authorizes the following excess levies for such purposes on all taxable property within the District:

Collection Years	Approximate Levy Rate/$1,000 Assessed Value	Levy Amount
2013	$0.06	$200,000
2014	$0.06	$200,000

all as provided in District Resolution No. 2012-12.

Should this proposition be approved?

- ☐ Yes
- ☐ No

Lopez Island measure

Lopez Solid Waste Disposal District
Proposition No. 1
Concerns a one-year levy to fund solid waste disposal activities

The Governing Body of the Lopez Solid Waste Disposal District (Lopez Disposal District) adopted a resolution (No. 31-2012) concerning a one-year excess regular property tax for the district. This proposal would impose a regular property tax levy within the Lopez Disposal District in the amount of 9.514 cents per $1,000 of assessed valuation for one tax year–2013–for the purpose of funding operations and capital expenses of the Lopez Disposal District.

Shall this proposal be approved?

- ☐ Yes
- ☐ No

Initiative Measure

2012-4

Proposed by initiative petition:

Concerns prohibitions on the growing of genetically modified organisms

Initiative Measure No. 2012-4 concerns the growing of genetically modified organisms in San Juan County. This measure would make it unlawful to propagate, cultivate, raise or grow plants, animals and other organisms which have been genetically modified and provides for penalties and destruction of such organisms.

Should this measure be enacted into law?

[ ] Yes
[ ] No

Explanatory Statement

Prepared by Randall K. Gaylord,
San Juan County Prosecuting Attorney

This initiative is intended to prohibit the cultivation of crops, livestock and other organisms in San Juan County which have had genes intentionally modified in a way that did not occur by mating or natural recombination.

If this initiative is adopted it will be unlawful for any person or entity to propagate, cultivate, raise or grow genetically modified organisms in San Juan County. "Organisms" is defined to mean "any biological entity capable of replication or transferring genetic material." "Genetically modified" is defined to mean "an organism, with the exception of human beings, in which genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination."

Certain activities are exempt by the terms of the initiative and not unlawful. Exempt activities occur at educational facilities working with genetically modified organisms indoors with safety precautions to prevent release of material. Also, certain health care providers are exempt.

This measure includes enforcement provisions making a violation a public nuisance subject to civil enforcement and making any person who knowingly violates the law responsible for administrative and abatement costs. A second violation is a misdemeanor and third and subsequent violations are a gross misdemeanor.

This initiative will be effective and made part of the County laws if a simple majority approves the measure.

You are voting Yes or No to prohibit the growing of genetically modified organisms in San Juan County

Yes—you *favor* prohibitions on growing genetically modified organisms in San Juan County

No—you *do not favor* prohibitions on growing genetically modified organisms in San Juan County

Statement For Initiative Measure 2012-4

Initiative 2012-4 is designed to protect our farmers' rights to farm and only affects the raising, growing and propagation of genetically modified organisms (GMOs). GMOs are not hybrids. They are organisms in which DNA from unrelated organisms has been forced to combine in ways that would not happen in nature using viruses and anti-biotic resistant bacteria.

Production of uncontaminated seed is becoming more difficult in many areas of the US and there is a growing movement to ban the production of GMOs. "Non-GMO Verified" is the fastest growing food label in North America as sales of certified products hit $1 billion in 2011. The isolation of our county provides a unique economic opportunity to produce uncontaminated seed and plants that cannot be produced in many other places.

Initiative 2012-4 does not require new bureaucratic agencies, regulations, or costs for enforcement. It defines a violation as a "public nuisance" and relies on the existing legal framework for dealing with violation issues. Only people who willfully violate this measure will be subject to prosecution and penalties. The measure does not affect products sold in stores, and it exempts research and educational facilities working with GMOs. Vote yes on Initiative 2012-4.

Argument Prepared by

GMO-Free San Juans:
Ken Akopiantz, Horse Drawn Farm, Lopez Island
Learner Limbach, Director Food Masters/FEAST, Orcas Island
Bruce Gregory, Mitchell Bay Farm and Nursery, San Juan Island

For more information:

Campaign website: http://gmofreesjc.org/
Email: swiftbay@yahoo.com

Statement Against Initiative Measure 2012-4

The proposal to ban the planting of genetically modified organisms (GMO) in San Juan County is unnecessary, unenforceable and, most importantly, unwise.

Unnecessary–virtually no species grown in the county have been genetically modified;

Unenforceable–sophisticated DNA analysis required to distinguish GMO's from similar varieties can not be performed here;

Unwise–some GMO's are resistant to pests, including insects, bacteria and fungi. Growing these varieties eliminates the need for toxic chemical pesticides, many of which are neurotoxins or known to interfere with human development. Other GMO's have enhanced nutritive value. Grains such as corn and rice lack essential amino acids. By modifying the genes for their storage proteins, they become more complete foods. Still other GMO's are more drought-tolerant or can grow in saline or alkaline soils. Finally, GMO's have and will lead to increased production with less use of non-renewable energy and fertilizers and less environmental degradation.

Approving this initiative would show that the residents of San Juan County are elitists, ignorant of the benefits of technological advances, and uncaring about the planet and its inhabitants.

Argument Prepared by

Larry Soll, Ph.D.
Roger Salquist

For more information:

No contact information submitted.

Complete Text
Initiative Measure No. 2012-4

Ordinance Prohibiting Growing Genetically Modified Organisms in San Juan County

Sections: Declaration, Definitions, Exemption, Activities, Unlawful Activities, Violation – Abatement, Penalties, Severability, and Intent

Declaration
The people of San Juan County, desiring to protect our agricultural industry, our natural environment, the private property rights of our citizens, and the health, safety and welfare of our People, deem it advisable and appropriate to restrict the cultivation of genetically modified crops, livestock and other organisms in San Juan County.

Definitions
For the purpose of this chapter the following definitions apply:
"Organisms" are defined as any biological entity capable of replication or transferring genetic material.
"Genetically Modified" is defined as an organism, with the exception of human beings, in which genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination.

Unlawful Activities
It is unlawful for any person or entity to propagate, cultivate, raise or grow genetically modified organisms in San Juan County.

Exemption Activities
Exempt from the Chapter are research and educational facilities working with genetically modified organisms provided that such activities are conducted under secure, enclosed indoor laboratory conditions with the utmost precautions to prevent release of genetically modified organisms in to the outside environment. Also exempt from the prohibitions of this Chapter are licensed health practitioners that provide any diagnosis, care, or treatment to any human patient.

Violation – Abatement
All violations of this Chapter are declared to be public nuisances.
(a) The prosecuting attorney or his or her designee (including, but not limited to the county sheriff) is hereby designated to enforce this Chapter and may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter.
(b) The prosecuting attorney shall notify any person, corporation, association, partnership, limited liability company or other entity that may be in violation of this Chapter, that any organisms that violate this Chapter constitute a public nuisance, subject to confiscation, destruction or quarantine and subject to applicable enforcement actions including nuisance abatement orders and penalties.
(c) Any person, corporation, association, partnership, limited liability company or other entity that receives notification under subparagraph (b) shall have fifteen (15) days to respond to such notification with evidence that such organisms are not in violation of this Chapter, or have been destroyed, or have been entirely removed from San Juan County.
(d) Upon receipt of any evidence under subparagraph (c), the prosecuting attorney shall consider such evidence and any other evidence that is presented by the recipient of notification under subparagraph (b) or which is relevant to a determination of such violation. Within fifteen (15) days of receipt of such evidence, the prosecuting attorney shall determine if the organisms are in violation of this Chapter, or have been destroyed or removed from San Juan County.
(e) Upon making a determination that a violation of this Chapter exists, or if no evidence has been submitted pursuant to subparagraph (c), upon reasonable notice, the prosecuting attorney shall thereafter promptly take all actions necessary to ensure that such organisms do not cause genetic contamination or other harm, including but not limited to the following: confiscation, destruction or quarantine. Such action shall be undertaken during daylight hours.
(f) Any person or persons knowingly and willfully responsible for a violation of this Chapter may be held responsible for all administrative and abatement costs incurred by San Juan County. Costs of enforcement shall not be imposed upon any person whose violation is not knowing and willful, nor shall costs be imposed for enforcement actions relating to crops planted or animals possessed in San Juan County prior to the effective date of this Chapter.
(g) The provisions of this Chapter are cumulative, and nothing in this Chapter affects any other remedies that any individual or government entity may have against any person resulting from a violation of this Chapter.

Penalties
A. Punishment for Violations.
1. The first violation of any provision of this chapter shall be a Class 1 civil infraction carrying a monetary penalty of $250.00 plus statutory assessments.
2. The second violation of any provision of this chapter shall constitute a criminal misdemeanor punishable by a fine of up to $1000.00, 90 days in jail, or both.
3. A third or subsequent violation of any provision of this chapter shall constitute a gross misdemeanor punishable by a fine of up to $5,000, 365 days in jail, or both.
B. Right to Hearing. The recipient of an infraction notice under this chapter is entitled to a hearing in district court to contest the infraction notice and civil penalty in accordance with Chapter 7.80 RCW.

Severability
Should any section, subsection, or part of this Chapter be declared unconstitutional or invalid for any reason, such shall not affect the validity of remaining portions.

Intent
The primary intent of all enforcement actions described in this Chapter is to educate the public and to encourage the voluntary correction of violations. Civil and criminal penalties will be used only when necessary to ensure compliance with the provisions of this Chapter. Criminal charges will be brought only when civil remedies have failed to ensure compliance.

San Juan County

Proposition No. 1

Concerns charter amendments to reduce the number of County Council members from 6 to 3

The San Juan County Charter Review Commission has proposed charter amendments to reduce the number of Council members. This measure would reduce the County Council from six (6) members nominated and elected by district to three (3) members, each residing in a separate district but nominated and elected by the entire County. This measure also includes technical revisions and clarifications to the charter and a transition plan that provides for implementation at special elections in April 2013.

Should this proposal be:

[ ] Approved
[ ] Rejected

You are voting to Approve or Reject the charter amendments proposed by the Charter Review Commission

Approved—you *favor* the amendments proposed by the Charter Review Commission

Rejected—you *do not favor* the amendments proposed by the Charter Review Commission

Explanatory Statement

Prepared by Randall K. Gaylord,
San Juan County Prosecuting Attorney

The San Juan County "Home Rule" Charter includes a process whereby citizens are periodically elected to a Charter Review Commission for the purpose of reviewing the charter and submitting proposed amendments to the public for their consideration. This explains the first of three amendments that have been submitted for approval.

The County Council is the legislative authority of the County. If adopted, this proposal will reduce the size of the County Council from 6 members to 3 members and change voting provisions to be consistent with this number.

This proposal also changes the process for nominating and electing Council members. Under the current charter, Council members are qualified by residing in a district and each is nominated and elected by the voters within the district. As proposed, each Council member will be nominated in a primary election by voters of the entire County and then elected by voters of the entire County. As proposed, Council members are qualified by residing in one of three districts, called "residency districts." The three residency districts consist of the following ferry-served islands and also smaller islands nearby: 1) San Juan Island, 2) Orcas Island, and 3) Lopez/Shaw Islands.

A transition plan provides for a special election of Council members from each residency district in April 2013 and, if necessary, a special nomination election in February 2013. The six existing Council member positions will terminate after certification of the election in April 2013 in coordination with the commencement of the new positions. Once elected, terms are staggered, with Residency District 1 and Residency District 2 terminating in 2016, and Residency District 3 terminating in December 2014. Thereafter, each term will be four years.

This amendment changes the commencement date of all County-elected officials to coincide with general laws—on January 1. Other technical changes and clarifications are also proposed with this amendment. This amendment becomes effective upon approval by a simple majority of those voting.

Statement For Proposition No. 1

This amendment reduces the County Council from six members who each represent only 1/6th of the County, to three members from three residential districts who are each voted on countywide. It makes all three Council members accountable to every voter. It increases the responsiveness of the Council, prevents decisions being made behind closed doors, reduces costs of administrative support, provides for straightforward decision making, returns the County to the voting system that unified us for over 130 years, and is similar to the structure that most other counties use. Three Council positions with full-time pay, recognizes the reality of time required to govern our County and will allow a diversity of residents to run for the Council. This amendment reunites Islanders so that the shared goals of the County can be achieved more efficiently while making each Council member more familiar with the needs and concerns of each island community. It brings the Council back to all the people, gives every voter more power, and controls future expenses by eliminating the possibility of ever-increasing salaries and benefits for a 6-member council.

Argument Prepared by

Former County Commissioners:
Tom Cowan, Lopez Island
Senator Kevin Ranker, San Juan Island
John Evans, Orcas Island

For more information:

http://sanjuanco.com/committees/charterreview/CRCDocuments.aspx

Statement Against Proposition No. 1

The 3-member commission was soundly rejected when our Charter was adopted. Returning to the full-time, three-member, at large commission form of government would return us to unequal representation of the islands' communities. The island with 1/6 of the County population would regain 1/3 of the voting influence. No rational explanation for abandoning a constitutionally sound one-person, one-vote democracy has been offered as support for Proposition 1.

The present 6-member Council voted on by district is more representative of voters and has been able to resolve much of the unfinished business left by the old 3 member Board of County Commissioners.

County wide elections are costly. Those running for office would, out of need, align themselves with powers that can pay, thus subverting the will of the people to special interests.

Three Council seats will be filled in November and a new Administrator appointed. That's how we can continue to improve our governance, not by removing the entire council elected in 2010 and 2012 from their seats.

Those who supported home rule in 2005, believe in the separation of powers, and respect the one-person, one-vote ideal, should stay the course.

Reject Proposition 1.

Argument Prepared by

Committee to Save Our Charter:
Lola Deane, Shaw Island
Art Lange, Orcas Island
Charlie Bodenstab, San Juan Island

For more information:

saveourcharter@rockisland.com

Complete Text

San Juan County Home Rule Charter
Proposed by 2012 Charter Review Commission
Proposition No. 1

PREAMBLE

We, the citizens of San Juan County, in order to secure the benefits granted to a Home Rule Charter County under the laws of Washington State and to assert greater control ~~over the actions of~~ by the people [over] County government, adopt this Charter.

ARTICLE 1 - POWERS OF THE COUNTY

Section 1.10 - General Powers
(1) The County shall have all the powers that a Charter County may have under the Constitution~~s~~ and laws of the United States and the State of Washington.
(2) All ordinances, administrative rules and resolutions in operation at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of this Charter shall not be affected by the adoption of this Charter.

Section 1.20 - Intergovernmental Relations
The County may exercise any of its powers to perform any of its duties, functions, projects, or activities jointly or in cooperation with any one or more governments, governmental agencies, municipal corporations, or any private agency or corporation, in any manner permitted by law and participate in the financing thereof.

Section 1.30 - Construction
(1) The power of the County shall be liberally construed; it is intended that this Charter confer the greatest power of local self-government on the people of San Juan County consistent with the State Constitution. Specific mention of a particular power or authority shall not be construed as a limitation on the general power of the County, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this Charter.
(2) References to adoption of ordinances or resolutions by the Legislative Body as defined in Section 2.30 below shall not be construed as impairing the right of the voters to initiate or refer ordinances or resolutions.

Section 1.40 - Name, Boundaries, County Seat
The Corporate name of this County shall remain San Juan County, and it shall have those boundaries provided by ~~the Legislative Body~~ state law. The County seat shall be Friday Harbor, Washington. Branch offices of the County are authorized and branch offices hereafter established shall be by ordinance.

Section 1.50 - Separation of Powers
The powers delegated to County government by the people shall be separated into three branches:
(a) The Executive Branch,
(b) The Legislative Branch, and
(c) The Judicial Branch.[1]
Although powers are delegated to the three branches, the right and obligation to oversee the functions of government shall be retained by the Citizens of San Juan County.

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[1] With the exception of the quasi-judicial functions of the Legislative Branch, the duties of the Judicial Branch are outside the purview of this Charter.

ARTICLE 2 - THE LEGISLATIVE BRANCH

Section 2.10 - Composition
The legislative Body shall consist of ~~six (6)~~ three (3) members ~~nominated and voted on by district~~ who are qualified for office as provided by this Charter and state law and selected in accordance with the methods set forth in this Charter.

Section 2.11 - Name
The Legislative Body shall also be known as the County Council and its members known as County Council Members.

Section 2.20 - Elections
~~M~~Each member~~s~~ of the Legislative Body ~~are~~ shall be qualified as provided in Section 4.20 of this Charter and elected pursuant to Article 4 - Elections of this Charter.

Section 2.30 - Power~~s~~
(1) The legislative power~~s~~ of the County, as granted by the State Constitution and law and not reserved to the people shall be vested in the Legislative Body. The enumeration of particular legislative powers herein shall not be construed as limiting the legislative powers of the Legislative Body.
(2) The Legislative Body shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power to:
(a) Levy taxes, appropriate revenue and adopt budgets for the County.
(b) Establish the compensation (and benefits, if any) to be paid to all non-elected County officers and employees and to provide for the reimbursement of expenses.
(c) Establish, abolish, combine and divide by ordinance, non-elective administrative offices and executive departments and to establish their powers and responsibilities unless otherwise limited by law or other provisions of this Charter.
(d) Adopt by ordinance comprehensive plans and development regulations including plans for present and future development and improvement of the county.
(e) Approve contracts or establish by ordinance methods by which any type of contract shall be approved.
(3) The Legislative Body, ~~as a whole or by committee~~, may conduct public hearings on matters of public concern.

Section 2.31 - Limitations of Power and Relationship with Other Branches
(1) Except in the exercise of its legislative powers under this Charter, as defined in Section 2.30, the Legislative Body, its staff, and individual Legislative Body members shall not interfere in the administration of the Executive Branch. They shall not give orders to, or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Administrator, Executive Branch, or other elected officials.
(2) Interaction between the Legislative Body, its staff and individual Legislative Body Members, and officers and employees within the Executive Branch shall follow procedures developed by and agreed upon by the Legislative Body and the County Administrator.

Section 2.40 - Organization
(1) The Legislative Body shall annually elect one of its members as chair and another of its members as vice-chair who shall act in the absence of the chair.
(2) The Legislative Body shall be responsible for its own organization, the rules of conduct of its business and for the employment and supervision of persons it deems necessary to assist in the performance of its duties.
(3) A majority of the Legislative Body shall constitute a quorum at all meetings. Unless otherwise provided, action of the Legislative Body shall require the affirmative vote of ~~four (4)~~ two (2) members.

Section 2.41 - Rules of Procedure
The Legislative Body shall enact by ordinance rules of procedure governing the time, place and conduct of its

meetings and hearings and the introduction, publication, consideration and adoption of ordinances; provided, that the Legislative Body shall meet in open session regularly at least twice monthly.

Section 2.50 - Ordinances

(1) Every legislative act shall be by ordinance except for matters that may be addressed by resolution as provided in Section 2.70 of this Charter. The subject of every ordinance shall be clearly stated in the title, and no ordinance shall contain more than one subject. Ordinances or summaries of them, the places where copies are filed, and the times when they are available for inspection, shall be published when the ordinances are proposed and again upon enactment.

(a) No ordinance shall be amended unless the new ordinance sets forth each amended section or subsection at full length.

(b) Ordinances may adopt, by reference, Washington State statutes, any recognized printed codes or compilations in entirety or in part.

(2) Every ordinance shall be introduced in its entirety in writing.

(3) Except as otherwise provided in this Charter, all ordinances shall take effect ten (10) working days after the date it is enacted or later if so stipulated in the ordinance.

Section 2.51 - Codification of Ordinances

All ordinances of the County, which are of a general and permanent nature or which impose any fine, penalty, or forfeiture, shall be codified in a code, which shall be adopted by ordinance and shall be known as the San Juan County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the public libraries in the County and in such other places as the Legislative Body deems appropriate.

Section 2.52 - Emergency Ordinances

(1) An ordinance necessary for the immediate preservation of the public peace, health, or safety or support of the County government and its existing institutions may be passed by action of the Legislative Body, which shall be effective immediately.

(2) An emergency ordinance shall be introduced and passed in the manner prescribed for emergency ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance.

Section 2.53 - Emergency Ordinances - Limitations

No emergency ordinance may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility or authorize the borrowing of money for more than one hundred and twenty (120) days.

Section 2.60 - Confirmations

The Legislative Body shall confirm or reject appointments by the County Administrator within thirty (30) days of the date the name or names of are submitted to it. Failure of the Legislative Body to reject an appointment within thirty (30) days shall result in automatic confirmation of said appointment.

Section 2.70 - Miscellaneous Appointments

The Legislative Branch by action shall appoint members of all boards and commissions except as otherwise provided in this Charter.

Section 2.80 - Resolutions

(1) The Legislative Body may pass a resolution to:

(a) Organize and administer the Legislative branch.

(b) Make declarations of policy that do not have the force of law.

(c) Request information from any other agency of the County government.

(2) The Legislative Body in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances.

ARTICLE 3 - THE EXECUTIVE BRANCH

Section 3.10 - Composition

The Executive Branch shall be divided into Executive and Administrative Offices.

Section 3.20 - Executive Offices

(1) The Executive offices shall consist of the following elected officials: the County Assessor, County Auditor, County Clerk, County Treasurer, Prosecuting Attorney, and County Sheriff.

(2) ~~These offices shall be re-created by this Charter and, unless amended by this Charter~~ Unless otherwise provided in this Charter, the County officials, shall have the ~~same powers and duties as in the past~~ powers, duties and obligations granted to each official by the State Constitution and statutes and any other applicable laws (unless amended by new State statutes whereupon the new statutes shall prevail). Such powers and duties shall be subject to: all ordinances passed by the Legislative Branch or initiatives passed by the voters; and to all personnel, budgeting, expenditure, and any other policies of general application recommended by the County Administrator and adopted by the Legislative Branch.

Section 3.30 - Administrative Offices

The Administrative offices shall consist of all appointed department heads.

Section 3.40 - County Administrator

The County Administrator shall be the chief administrative officer.

Section 3.41 - Selection and Termination Process

(1) The Legislative Body is vested with the responsibility for conducting a professional search to locate and hire a County Administrator qualified to carry out the duties of the office as detailed in Section 3.43 of this Charter.

(2) The County Administrator shall serve under an at-will employment contract. Termination of the County Administrator shall comply with the terms of such a contract.

Section 3.42 - Compensation

The County Administrator shall receive compensation determined by the Legislative Body sufficient to attract a qualified professional.

Section 3.43 - Powers and Duties

(1) The County Administrator shall have all the executive powers of the County that are not expressly vested in other specific elected officers by this Charter. The County Administrator shall:

(a) Manage all administrative offices and functions.

(b) ~~I~~Ensure that all actions of the Executive Branch are compliant with all Federal, Washington State, San Juan County codes and procedures, and this Charter seeking advice from the County Prosecutor or other sources as necessary.

(c) ~~I~~Ensure that all systems, procedures and use of technology of the departments under the County Administrator's jurisdiction be periodically reviewed and actions taken to insure that optimum practices are being employed.

(d) Present to the Legislative Branch an annual statement of the governmental affairs of the County and any other report, which the Legislative Branch may deem necessary.

(e) Prepare and present to the Legislative Branch, operating and capital budgets, accompanied by a budget message setting forth proposals for the county during the next fiscal year.

(f) Assign duties to administrative offices and executive departments, which are not specifically assigned by this Charter or by ordinance.

(g) Act as the signing authority, on behalf of the County, on all claims, deeds, contracts and other instruments initiated within the fiscal and budgetary procedures.

(2) The specific statement of particular executive powers shall not be construed as limiting the executive powers of the County Administrator.

Section 3.50 - Appointments by the County Administrator and Confirmation

The County Administrator shall appoint the head of each administrative department. All such appointments by the County Administrator shall be provisional until confirmed by action of the Legislative Body.

Section 3.51 - Qualifications

The heads of the administrative departments shall be appointed based on their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

Section 3.52 - Appointments by Department Heads

The head of each administrative department shall appoint all managers and employees of the department complying with the rules of the personnel system when appointing managers and employees to positions covered by the personnel system. All managers that report directly to a department head shall be confirmed by the County Administrator.

Section 3.60 - Administrator Pro Tempore

(1) Between January 1 and February 28 of odd numbered years, the Legislative Body shall designate by action any qualified person, other than a sitting member of the Legislative Body, to serve as Administrator Pro Tempore.

(2) The Administrator Pro Tempore shall hold office at the pleasure of the Legislative Body, and in case of the absence, temporary disability, resignation or termination of the County Administrator, shall perform the duties of the County Administrator until the County Administrator returns or a replacement is hired.

(3) The Administrator Pro Tempore shall not have power to appoint or remove any department head. While the Administrator Pro Tempore is acting County Administrator, the Legislative Body can remove a department head and /or, in the case of a vacancy (caused by removal or resignation), to allow an interim, temporary appointment to be made by the Administrator Pro Tempore subject to confirming action of the Legislative Body.

Section 3.70 - Hearing Examiner System

(1) A hearing examiner system shall be established for consideration of land and shoreline issues.

(2) The qualifications, powers, and duties of, and procedures to be employed by the hearing examiner, shall be established by the Legislative Body.

(3) The Legislative Body may, at its discretion, authorize the hearing examiner to conduct any other non-legislative hearing permitted or mandated by state or local law, including those permitted or mandated pursuant to this Charter, notwithstanding anything in this Charter to the contrary.

(4) Decisions of the hearing examiner are not subject to administrative review by the Legislative Body unless the Legislative Body, in consultation with the Prosecuting Attorney, has adopted, by ordinance, written procedures for the discretionary review of the decisions of the hearing examiner. The rules for discretionary review shall provide:

(a) That an appellant may choose to bypass review by the Legislative Body and seek direct review with the court or other tribunal as provided by law;

(b) The grounds under which the Legislative Body may choose to hear or not to hear an appeal; and

(c) Such other matters as the Legislative Body deems pertinent to the appeal of decisions of the hearing examiner. In no event will the act of bypassing administrative review before the Legislative Body be considered a failure to exhaust administrative remedies.

ARTICLE 4 - ELECTIONS

Section 4.10 - Election Procedures

Except as provided in this ~~Article~~ Charter, nominating primaries and elections of the County Sheriff, County Treasurer, County Clerk, County Auditor and County Assessor shall be conducted in accordance with general law governing the election of non-partisan County officers. Except as provided in this ~~Article~~ Charter, nominating primaries and elections of the Legislative Body shall be conducted in accordance with general law governing the election of non-partisan County officers. The election of the Prosecuting Attorney shall be as provided by state law.

Section 4.20 - Qualifications; Residency for County Council Member

Each county officer holding an elective office shall be, at the time of appointment or filing a declaration of candidacy for election, at the time of election, and at all times while holding office, a citizen of the United States and a resident and registered voter of San Juan County. In addition, Legislative Body members must ~~be residents of the County and registered voters of the district from which they are nominated~~ reside in the district to which he or she seeks or holds office at the time of appointment or filing a declaration of candidacy for election, at the time of election and at all times while holding office. No Legislative residency district boundary change shall disqualify the Legislative Body member from holding office for the remainder of the term of office.

Section 4.30 - Legislative Body Residency Districts

(1) The ~~six (6)~~ three (3) Legislative Residency Districts shall be designated as Residency District 1, Residency District 2~~,~~ and Residency District 3~~, District 4, District 5 and District 6~~.

(a) ~~The~~ Each Residency Districts shall consist of ~~nearly equal populations using the criteria of RCW 29A.76.010. To the extent practical, the districts shall consist of~~ whole islands and nearly contiguous islands as authorized by RCW 36.32.020.

(b) The ~~initial~~ Legislative Residency districts are established to include whole islands and the existing precincts as follows:

~~District 1 - San Juan South: San Juan 1, San Juan 5.~~

~~District 2 - San Juan North: San Juan 2, San Juan 3, San Juan 4, Stewart.~~

~~District 3 - Friday Harbor: Friday Harbor 1, Friday Harbor 2.~~

~~District 4 - Orcas West: Orcas 1, Orcas 2, Waldron.~~

~~District 5 - Orcas East: Orcas 3, Orcas 4.~~

~~District 6 - Lopez/Shaw: Lopez 1, Lopez 2, Shaw, Blakely, Decatur.~~

Residency District 1 – San Juan: Stuart, Johns, Speiden, Sentinel, Pearl, Henry, O'Neal, Brown, Turn, Dinner, Goose and San Juan comprising precincts 11, 12, 13, 14, 15, 16, 17, 101, 102.

Residency District 2 – Orcas: Waldron, Patos, Sucia, Ewing, Matia, Puffin, Clark, Barnes, Doe, Orcas, Obstruction, Freeman, Jones, McConnell, Yellow, Cliff, Crane, Fawn, Bell, Double, Victim, Skull and Blakely comprising precincts 21, 22, 23, 24, 25 and 26.

Residency District 3 – Lopez/Shaw: Bund, Shaw, Canoe, Lopez, Decatur, Pointer, Armitage, Frost, James, Trump, Center, Ram, Deadman, Long, Charles, Boulder, Hall and Iceberg comprising precincts 31, 32, 33, 41.

~~(2) The lines of the districts shall not be changed more frequently than once in four years and only when all Legislative Body members are present. If any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations. (RCW 36.32.020)~~

Section 4.31 - Legislative Body - Terms

The terms of office of Legislative Body members shall be four (4) years or until their successors are elected, qualified and assume office in accordance with RCW 29A.20.040: PROVIDED, that the terms shall be staggered so that in one even numbered election year one members from ~~District 1, District 3, District 4~~ Residency District 3 shall be elected and the next even numbered election year one member from

~~District 2, District 5 and District 6~~ Residency District 1 and one member from Residency District 2 shall be elected.

Section 4.32 - Legislative Body - Nominations
Qualified voters of ~~each district~~ the County shall nominate candidates for the Legislative Body. Such candidates shall be nominated by countywide primary election for non-partisan office in the same manner as candidates for other County offices. (RCW 36.32.040)

Section 4.33 - Legislative Body - Elections
Legislative Body members shall be elected by the qualified voters of the ~~district~~ County in a countywide general election. The person receiving the highest number of votes for the position ~~in the district in which such member resides~~ shall be declared duly elected.

Section 4.34 - Legislative Body - Districting ~~Committee~~
~~(1) Commencing with the 2010 census, within sixty days after each federal decennial census data is received from the State Redistricting Commission or its successor, a six (6) member Districting Committee, consisting of one (1) member from each Legislative District, shall be appointed by the Legislative Body. Members of the Districting Committee shall:~~
~~(a) Serve without salary but shall be compensated for reasonable-out- of-pocket expenses.~~
~~(b) Meet within thirty days of its appointment to draw a redistricting plan for the county that shall be submitted to the Legislative Body for adoption following a public hearing.~~
~~(2) No later than eight months after receipt of the census data, the Legislative Body shall adopt a districting plan by ordinance.~~
The boundaries of Residency Districts may be altered by amendment to this Charter but such boundaries shall not be changed by the Legislative Body or initiative.

Section 4.40 - Oath of Office
An oath or affirmation to support the Constitutions of the United States and the State of Washington and the Charter and ordinances of San Juan County and to perform faithfully, impartially, and honestly the duties of office, shall be made by each elected officer before entering upon the duties of office. (RCW 36.16.040)

Section 4.50 - Official Bonds
A surety bond shall be required for all elected officers and such County employees as may be designated by ordinance. Bonds shall be in the form and amount required by ordinance and the cost borne by the County. See RCW 36.16.050 for schedule of bonds.

Section 4.60 - Vacancies in Office
(1) An elective office shall become vacant when one of the following occurs:
(a) Death;
(b) Total permanent incapacity as determined by a panel of three physicians;
(c) Resignation;
(d) Recall of the officer;
(e) A Legislative Body member absent from three (3) consecutive regular meetings of the Legislative Body without reasonable cause;
(f) Absence from the County for thirty (30) days without being excused by the Legislative Body; or
(g) Failure to maintain residence within the district from which elected.
(2) Vacancies in a non-partisan elected office shall be filled at the next November General Election, unless the vacancy occurs after the day for filing declarations for candidacy, in which case the vacancy shall be filled at the next succeeding November election. The person elected shall take office upon certification of the results of the election and shall serve the unexpired term of the vacated office. Until a successor has been elected and ~~certified~~ qualified, a majority of the Legislative Body shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications set in Section 4.20 of this Charter.
(3) Vacancies in partisan elected offices shall be filled pursuant to RCW 42.12.040.

Section 4.70 - Commencement of Terms of Office
~~The term of office of elected County officers shall commence on the second Monday of the next January immediately following the November general election.~~
Unless otherwise provided by this Charter the terms of office of elected county officials shall commence on the date specified by general law for public officers elected at general elections. (See RCW 29A.20.040)

ARTICLE 5 - THE PUBLIC INTEREST

Section 5.10 - Direct Government
The people of San Juan County reserve to themselves the power to make certain proposals, at their option, and to enact or reject them at the polls, independent of the Legislative Body in accordance with this Article.

Section 5.20 - Initiative
The people reserve to themselves the power of initiative. Any ordinance or amendment to an ordinance may be proposed by filing an initiative petition with the Auditor.

Section 5.21 - Initiative - Limitations
(1) No initiative shall contain more than one (1) issue.
(2) No initiative proposal requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.
(3) Redistricting of the Legislative Residency districts shall not be subject to the initiative process.

Section 5.22 - Initiative - Procedures
(1) Any legal voter or organization of legal voters of San Juan County may file an initiative proposal with the County Auditor, who within five (5) working days shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the initiative by giving the proposed initiative a number, which shall thereafter be the identifying number for the measure.
(2) The County 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 a concise statement, posed as a positive question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.
(3) The petitioner then has one-hundred-twenty (120) days to collect the signatures of the registered voters in the County equal in number to at least fifteen (15) percent of the votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title.
(4) The County 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 at least one hundred and twenty (120) days after the registering of the petition.
(5) The Legislative Body may choose to enact the proposal without change or amendment. If the Legislative Body 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.
(6) The voters shall be given the choice of accepting either or rejecting both. The voters 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.

Section 5.23 - Initiative - Amend or Repeal
No ordinance enacted by power of initiative shall be amended or repealed by the Legislative Body within two (2) years after enactment unless amended or repealed by a subsequent initiative or referendum.

Section 5.30 - Mini-Initiative
(1) Any ordinance or amendment to an existing ordinance may be proposed to the Legislative Body by registering with the County Auditor initiative petitions bearing the signatures of qualified voters equal in number to at least three (3) per cent of the number of votes cast in the County in the last gubernatorial election.
(2) Upon verifying the sufficiency of the signatures, the County Auditor shall transmit the initiative petition to the Legislative Body, which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within sixty (60) days.

Section 5.31 - Mini-Initiative - Failed Initiative
If the proponents of an initiative fail to obtain the required number of signatures in the designated period, but have sufficient signatures to qualify the proposal as a mini-initiative, the proposal, at the request of the proponents, shall be treated as a mini-initiative.

Section 5.40 - Referendum
(1) The people reserve for themselves the power of referendum.
(2) The referendum may be ordered on any ordinance, or any part thereof passed by the Legislative Body except such ordinances as may be necessary for the immediate preservation of the public peace, health or safety.
(3) Upon signature validation of a referendum petition, the measure passed by the Legislative Body will be rendered ineffective pending the outcome of the referendum procedure. The signature validation of a referendum petition against one or more items, sections or parts of any ordinance will not delay the remainder of the measure from taking effect.

Section 5.41 - Referendum - Procedures
(1) Any legal voter or organization of legal voters of San Juan County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the County Auditor within forty-five (45) days after the ordinance is passed by the Legislative Body.
(2) Within five (5) working days, the County Auditor shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the referendum by giving the referendum a proposal number, which shall thereafter be the identifying number for the measure.
(3) The County Auditor shall then transmit a copy of the proposal to the ~~County~~ Prosecuting Attorney, who within ten (10) days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.
(4) The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the measure being referred and the ballot title.
(5) The County Auditor shall verify the sufficiency of the signatures on the petition and if validated, submit the measure to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petitions.

Section 5.50 - Numbering System
The County Auditor, when assigning numbers to initiatives, referendums and mini-initiatives, shall use a separate sequential series for each category. No number shall be reissued once used.

Section 5.60 - Recall
The people further reserve the power of recall as provided in the Constitution and the laws of the State of Washington.

Section 5.70 - Implementation by Ordinance
The Legislative Body shall enact ordinances to promote the carrying out of the provisions of this Article.

ARTICLE 6 - FINANCIAL ADMINISTRATION

Section 6.10 - Presentation and Adoption of Budgets
(1) At least seventy-five (75) days prior to the end of each fiscal year, the County Administrator shall present to the Legislative Body a complete budget and budget message, proposed current expense and capital budget appropriation resolutions, and proposed tax and revenue resolutions necessary to raise sufficient revenues to balance the budget.
(2) At least fifteen (15) days prior to the end of the fiscal year, the Legislative Body shall adopt appropriation, tax and revenue resolutions for the next fiscal year.

Section 6.20 - Budget Information
At least one hundred thirty-five (135) days prior to the end of each fiscal year, all departments and agencies of County government shall submit to the County Administrator information necessary to prepare the budget, as requested by the County Administrator.

Section 6.30 - Contents of Budget
(1) The budget shall:
(a) Include all funds, revenues and reserves; be divided into categories, projects, and objects of expense and include supporting data deemed advisable by the County Administrator or required by ordinance;
(b) Indicate as to each category, project or object of expense, the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year;
(c) Include proposed capital improvement programs for the next six (6) fiscal years.
(2) The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues, surpluses and reserves.

Section 6.40 - Budget Message
The budget message shall explain the budget in fiscal terms and in terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the County.

Section 6.41 - Copies of the Budget
Copies of the budget and budget message shall be delivered to the County Auditor and each Legislative Body member. The budget message and supporting tables shall be furnished to any interested person upon request for a reasonable fee as established by ordinance and shall be available for public inspection from the time the budget message is delivered.

Section 6.50 - Budget Control
Within six (6) weeks following the end of each quarterly period during the fiscal year, and more often if required, the County Administrator shall submit to the Legislative Body, a written report showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the Legislative Body may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

Section 6.60 - Consideration and Adoption of the Budget

(1) Prior to the adoption of any appropriation ordinances for the next fiscal year, the Legislative Body shall hold public hearings to consider the budget presented by the County Administrator and shall hold any other public hearings on the budget or any part thereof that it deems advisable.

(2) The Legislative Body, in considering the appropriation ordinances by the County Administrator, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the County Administrator.

(3) The appropriation ordinances adopted by the Legislative Body shall not exceed the estimated revenues of the County for the next fiscal year for each fund including surpluses and reserves.

(4) The Legislative Body may increase the amount of the estimated revenues contained in the budget presented by the County Administrator by re-estimating the amount by passing a motion to that effect or by creating additional sources of revenue which were not included in the proposed tax revenue ordinances presented by the County Administrator.

(5) Once the annual budget has been approved, the County Administrator shall need no further authorization to expend the funds appropriated.

Section 6.70 - Additional Appropriations

Additional funds may be appropriated by contingency or emergency appropriations.

Section 6.71 - Contingency Appropriations

The annual budget ordinance shall include contingency funds, which shall not be expended unless the County Administrator certifies in writing that sufficient funds are available and the Legislative Body adopts an additional appropriation ordinance after being requested to do so by the County Administrator.

Section 6.72 - Emergency Appropriations

The Legislative Body may adopt an emergency appropriation ordinance, which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget and funds from any other source available to the County in an emergency.

Section 6.73 - Additional Capital Budget Appropriations

The Legislative Body shall not adopt an additional or amended capital budget appropriation ordinance during the fiscal year unless requested to do so by the County Administrator.

ARTICLE 7 - PERSONNEL SYSTEM

Section 7.10 - Purpose

The Legislative Body shall, by ordinance, establish and maintain a personnel system for the County.

Section 7.20 - Exemptions

The provisions of this Article shall apply to all County positions except:

(a) Independent Contractors.

(b) All volunteer members of boards and commissions appointed by the Legislative Body or County Administrator.

(c) All elected County officers.

(d) Other ~~employees~~ persons as may become necessary as determined by the Legislative Body.

Section 7.30 - Administration

The County Administrator shall administer the personnel system of the County in accordance with the personnel rules adopted by the Legislative Body by ordinance.

Section 7.40 - Compensation

Compensation for County Elected Officials shall be commensurate with their duties and shall be set by a duly appointed Citizens' Salary Commission (RCW 36.17.024).

ARTICLE 8 - CHARTER REVIEW AND AMENDMENT

Section 8.10 - Charter Review Commission

As provided in this Article, this Charter shall be reviewed periodically by a Charter Review Commission (hereinafter referred to as the CRC).

Section 8.11 - Duties

The CRC shall review the Charter to determine its adequacy and suitability to the needs of the County and may propose amendments. The CRC may also make recommendations to the Legislative Body and publish its findings.

Section 8.20 - Election Procedures and Period of Office

(1) ~~Five (5) years after adoption of this Charter and at least every ten (10) years thereafter t~~The Legislative Body shall cause an election of a CRC in 2020 and at least every ten (10) years thereafter provided that the CRC election is held in an even numbered year.

(a) The CRC shall consist of fifteen to twenty-five (15-25) persons. The number of CRC members for each Legislative residency district shall be apportioned according to the population distribution in each Legislative ~~Body~~ residency district.

(b) Candidates for the CRC must be residents of the county and registered voters of the district in which they run ~~who~~ and have been ~~residents of~~ registered voters in the County for at least five (5) years preceding their election.

(c) There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot.

(d) The member of the CRC who receives the greatest number of votes shall convene the first CRC meeting.

(e) The term of office shall be the shorter of one (1) year or when final recommendations are submitted to the Legislative Body for referral to the voters.

(f) The CRC shall meet at such times and in such places as it deems appropriate upon having given public notice.

Section 8.21 - Vacancy

~~(1) If a CRC member is absent from three (3) consecutive meetings without prior notice being given to the Chair, a vacancy in that position may be declared by a two-thirds vote of the CRC.~~

~~(2) Any vacancy on the CRC shall be filled within fourteen (14) days of the declaration of a vacancy, by the next highest recipient of votes cast in the CRC election from the district where the vacancy occurs.~~

If any person elected to the CRC dies, resigns, or misses for consecutive regular meetings for any reason, that person shall have vacated his or her position, whereupon the CRC shall fill the position with the vote runner-up from the same district within fifteen days of that vacation, or the seat may be left vacant by a majority vote of the CRC.

Section 8.22 - Expenditures

(1) The Legislative Body shall provide to the CRC reasonable funds, facilities and services appropriate to an elected County agency. Provisions shall be made in the budget for the expenditures of the CRC during its scheduled term of office.

(2) Members of the CRC shall serve without salary, except that they shall be reimbursed for reasonable out-of-pocket expenses.

Section 8.30 - Charter Amendment - General Provisions

Charter amendments may be proposed by the CRC, the Legislative Body or by the public.

Section 8.31 - Charter Amendment - Procedures

(1) Any proposed Charter amendment shall be filed and registered with the County Auditor and submitted to the voters at the next November general election occurring at least ninety (90) days after registration of the proposed amendment with the County Auditor.

(2) In submitting any amendment of the Charter to the voters, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others. An amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

~~(3) If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that people may vote for or against the amendments separately; provided, an amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.~~

(3) ~~(4)~~ If a proposed amendment is approved by a majority of the voters voting on the issues, it shall be effective ten (10) days after the results of the election are certified, unless a later date is specified in the petition or ordinance proposing the amendment.

(4) ~~(5)~~ Any implementing ordinance required by any Charter amendment shall be enacted by the Legislative Body within one hundred and eighty (180) days after the amendment is effective, unless the amendment provides otherwise.

Section 8.32 - Amendments by the Charter Review Commission

The CRC may propose amendments to the Charter by filing such proposed amendments with the Legislative Body who shall submit the amendments to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments.

Section 8.33 - Amendments by the Public

The public may propose amendments to the Charter by:

(a) Registering with the County Auditor an initiative petition bearing the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election.

(b) Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the County Auditor, who shall submit the amendments to the voters.

(i) 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.

(ii) 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.

Section 8.34 - Amendments by the Legislative Body

(1) The Legislative Body may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment.

(2) The Legislative Body by unanimous vote of the entire Legislative Body may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

Section 8.40 - Repeal of Charter

Any proposal to repeal this Charter shall include provisions for transition.

ARTICLE 9 - GENERAL PROVISIONS

Section 9.10 - Severability and Construction

The provisions of this Charter are severable. If any provision should be declared unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this Charter.

Section 9.20 - Purchasing, Contracts, Claims, and Bonds

(1) The Legislative Body shall establish, by ordinance, procedures for purchasing supplies, services, materials and equipment, the awarding of contracts, the processing of claims, and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

(2) All purchases, contracts and bonds subject to bid procedures shall be advertised and, unless all bids are rejected, shall be awarded on the basis of sealed bidding to the lowest responsible bidder.

Section 9.30 - Franchises

All franchises granted by the Legislative Body shall be for fixed term not to exceed twenty-five (25) years, and no exclusive franchise shall be granted for the use of any street, road or public place.

Section 9.40 - Public Disclosure

Public disclosure of financial interest of elected public officials shall be governed by general law.

Section 9.50 - Information Management

The County Administrator shall establish procedures for maintaining a modern, efficient system for processing, maintaining and disposing of information and records; shall maintain a means to store and maintain, in retrievable manner, all County records which should not be destroyed and which are not necessary for the current operation of County government; and shall provide needed services for all branches of County government in a way that shall be deemed desirable for the efficient operation of the County government. These procedures shall be in compliance with general law and shall affect all departments of the County, elective or appointed.

ARTICLE 10 - TRANSITION 2012 AMENDMENTS

The provisions of this Article relate to the implementation of the Charter amendments adopted in 2012, and where inconsistent with the foregoing Articles of the Charter, the provisions of this Article shall constitute exceptions.

Section 10.10 - Continuation of Ordinances and Vested Rights

All ordinances, administrative rules and resolutions in operation at the time these Charter amendments take effect, to the extent that they are not inconsistent with the amendments, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of these amendments shall not be affected by adoption of the amendments. The 2012 amendments to the County Charter are not intended to affect the existing contract between the County and the County Administrator.

Section 10.20 - Existing Council Member Positions – Continuation and Termination

(1) The six existing County Council member positions (District 1, District 2, District 3, District 4, District 5, and District 6) shall continue in office and any vacancy in office filled under the terms of and pursuant to the Charter in effect on November 1, 2012, until the members of Council Residency District 1, Council Residency District 2 and Council Residence District 3 have been duly elected and qualified as provided in this Charter.

(2) The six existing Council member positions (District 1, District 2, District 3, District 4, District 5 and District 6) shall terminate without further action at midnight on the first Sunday following certification so as to coincide with the qualification of the persons to fill the positions of Council member positions of Council Residency District 1, Council Residency District 2, and Council Residency District 3.

Section 10.30 - Qualifications for County Council Positions for 2013 Special Election

Candidates for the positions of Council Residency District 1, Council Residency District 2 and Council Residency District 3 shall be qualified as provided in this Charter, as amended in 2012.

Section 10.40 - 2013 Special Elections for County Council Residency District Positions

(1) A special election to fill the position of County Council members for Residency District 1, Residency District 2 and Residency District 3 shall occur at the special election to be held in April 2013. The County Auditor, as supervisor of elections, shall conduct the April 2013 special election and, if necessary, a special primary election in accordance with this Charter and the general election laws of the state and without further action by the County Council. In the event the provisions of this Charter conflict with the general laws regarding elections, the provisions of this Charter and the intent of this Charter shall control.

(2) The period for filing declarations of candidacy for the April 2013 election for the positions of Council Residency District 1, Council Residency District 2 and Council Residency District 3 shall end on Friday December 14, 2012 at 4:30 pm.

(3) If more than two persons file declarations of candidacy for a Council Residency District a special primary election will be held in February 2013.

(4) The members of Council Residency District 1, Council Residency District 2, and Council Residency District 3 will be elected in the April 2013 special election.

Section 10.50 - Terms of Office for Council Members Elected in April 2013

(1) The term of office for the person elected in the April 2013 special election to the position of Council Residency District 1 and the person elected in the April 2013 special election to the position of Council Residency District 2 shall commence after having been qualified and beginning at 12:01 a.m. on the first Monday after certification and shall hold office for a term which expires at midnight on December 31, 2016. The first four-year term of office for Council Residency District 1 and Council Residency District 2 shall commence on January 1, 2017. An election for the full term for Council Residency District 1 and Council Residency District 2 shall occur in the usual course of the 2016 elections for county officials.

(2) The term of office for the person elected in the April 2013 special election to the position of Council Residency District 3 shall commence after having been qualified and beginning at 12:01 a.m. on the Monday after certification and shall hold office for a term which expires at midnight on December 31, 2014. The first four year term for Council Residency District 3 shall commence on January 1, 2015. An election for the full term for Council Residency District 3 shall occur in the usual course of the 2014 elections for county officials.

Section 10.51 - Interim Council Member Salary

The salary for Council members for County Residency District 1, Council Residency District 2 and Council Residency District 3 shall be set at twice the current salary (as of April 1, 2012) per annum unless and until such time as the Citizens' Salary Commission sets a different full-time salary.

Section 10.60 - Vacancies

Vacancies during the transition period shall be filled in the manner set forth in Section 4.60 as it existed before this Charter was amended in 2012.

Section 10.70 - Amendment Effective Date

Except as provided in this Article 10, all amendments to the Charter shall be effective upon certification of the November 2012 election.

Section 10.80 - Expiration

This Article 10 shall expire on January 1, 2017 and shall not appear in the publication of the Charter after that date.

San Juan County

Proposition No. 2

Concerns charter amendments regarding County executive and administrative duties

The San Juan County Charter Review Commission has proposed amendments to the San Juan County Charter concerning who will perform executive and administrative duties. This measure would remove references to the County Administrator as the chief administrative officer and as part of a separate branch of county government; place with the County Council those administrative and executive powers not granted to other elected officials; and require that the County Council appoint a County Manager to assist the Council in carrying out its duties. This measure also includes technical revisions and clarifications to the charter.

Should this proposal be:

[ ] Approved
[ ] Rejected

You are voting to Approve or Reject the charter amendments proposed by the Charter Review Commission

Approved—you *favor* the amendments proposed by the Charter Review Commission

Rejected—you *do not favor* the amendments proposed by the Charter Review Commission

Explanatory Statement

Prepared by Randall K. Gaylord,
San Juan County Prosecuting Attorney

The San Juan County "Home Rule" Charter includes a process whereby citizens are periodically elected to a Charter Review Commission for the purpose of reviewing the charter and submitting proposed amendments to the public for their consideration. This explains the second of three amendments that have been submitted for approval.

A feature of the existing charter is that an "executive branch" is created in Article 3 with a County Administrator who is the "chief administrative officer" responsible for administrative duties which are shared with the executive and administrative duties of other elected officials (auditor, treasurer, assessor, clerk, sheriff and prosecuting attorney). Under the existing charter, the County Administrator is appointed by the County Council, and the charter includes specific responsibilities that are to be performed by the County Administrator and a prohibition on Council members from directing the work of any employee subject to the supervision of the County Administrator or other elected official.

This amendment repeals most of Article 3 of the Charter and replaces it with provisions whereby executive and administrative duties not delegated by state law or the constitution to other elected officials will be the responsibility of the County Council. Direction of the work of individual employees must be approved by the County Council and not taken by individual Council members. The County Council must hire a County Manager to assist in performing its executive and administrative duties. The County Council is given power to determine what work will be performed by the County Manager.

This amendment changes the commencement date of all County elected officials to coincide with general laws—on January 1. Other technical changes and clarifications are also proposed with this amendment. This amendment will become effective upon approval by a simple majority of those voting.

Statement For Proposition No. 2

This amendment replaces the position of Administrator and instead requires a Manager to assist the Council in its administrative responsibilities and running the daily activities of local government. This ensures that the Manager is accountable to the voters through their elected Council. This amendment also uses strong language that prohibits any Council Member from manipulating staff and makes an individual Council Member subject to recall if he or she attempts to do so. This amendment provides the Council with flexibility in making the Manager's assignments fit the Council's needs consistent with the Manager's talents. Combining legislative and administrative functions will eliminate the lack of clarity contained in the current charter and eliminate the conflict with the Auditor's office in preparation of the budget. This amendment solidifies the leadership role of the Council. Voting to approve this amendment means we elect a County Council to lead rather than granting all executive powers to an unelected Administrator who is not accountable to the people. This amendment makes Council members our true representatives in all matters of government, encourages a team effort in the best interests of the citizens of San Juan County, and clarifies the leadership role of the Council.

Argument Prepared by

Maureen See, CRC Vice Chair
Mary Jean Cahail, Former Court Clerk
Tom Starr, Former County Commissioner

For more information:

http://sanjuanco.com/committees/charterreview/CRCDocuments.aspx

Statement Against Proposition No. 2

In 2005, we were so dissatisfied with the Board of County Commissioners holding all legislative and administrative authority that a huge majority of us (62.7%) voted to abandon that system.

Proposition 2 would undo the separation of powers created by the Charter. It would eliminate the present position of County Administrator, a professional leadership role that fulfills an important part of the separation of powers by preventing mismanagement and inappropriate, politically motivated intrusions into day-to-day operations of the County by the County Council.

Proposition 2 proposes 3 legislator/administrators (whose only job requirement is residency) to delegate an unknown amount of power to an assistant manager with unspecified duties. This can only lead to confusion, stagnation and legal chaos. It didn't work in the past; it won't work any better now.

The County, with a 40 million dollar budget, needs a highly qualified administrator to direct its complicated operations. The only way to ensure that we attract a competent professional is by keeping the separation of powers and the position of County Administrator as set forth in the present Charter.

Let's move forward, not backward. Stay the course!

Reject Proposition 2.

Argument Prepared by

Committee to Save Our Charter:
Adina Cunningham, Orcas Island
Carolyn Haugen, San Juan Island
Nanae Fralick, Orcas Island

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Complete Text

San Juan County Home Rule Charter
Proposed by 2012 Charter Review Commission
Proposition No. 2

PREAMBLE

We, the citizens of San Juan County, in order to secure the benefits granted to a Home Rule Charter County under the laws of Washington State and to assert greater control ~~over the actions of~~ by the people [over] County government, adopt this Charter.

ARTICLE 1 - POWERS OF THE COUNTY

Section 1.10 - General Powers
(1) The County shall have all the powers that a Charter County may have under the Constitution~~s~~ and laws of the United States and the State of Washington.
(2) All ordinances, administrative rules and resolutions in operation at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of this Charter shall not be affected by the adoption of this Charter.

Section 1.20 - Intergovernmental Relations
The County may exercise any of its powers to perform any of its duties, functions, projects, or activities jointly or in cooperation with any one or more governments, governmental agencies, municipal corporations, or any private agency or corporation, in any manner permitted by law and participate in the financing thereof.

Section 1.30 - Construction
(1) The power of the County shall be liberally construed; it is intended that this Charter confer the greatest power of local self-government on the people of San Juan County consistent with the State Constitution. Specific mention of a particular power or authority shall not be construed as a limitation on the general power of the County, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this Charter.
(2) References to adoption of ordinances or resolutions by the ~~Legislative Body~~ County Council as defined in Section 2.30 below shall not be construed as impairing the right of the voters to initiate or refer ordinances or resolutions.

Section 1.40 - Name, Boundaries, County Seat
The Corporate name of this County shall remain San Juan County, and it shall have those boundaries provided by ~~the Legislative Body~~ state law. The County seat shall be Friday Harbor, Washington. Branch offices of the County are authorized and branch offices hereafter established shall be by ordinance.

~~**Section 1.50 - Separation of Powers**~~
~~The powers delegated to County government by the people shall be separated into three branches:~~
~~(a) The Executive Branch,~~
~~(b) The Legislative Branch, and~~
~~(c) The Judicial Branch.[1]~~
~~Although powers are delegated to the three branches, the right and obligation to oversee the functions of government shall be retained by the Citizens of San Juan County.~~

~~[1] With the exception of the quasi-judicial functions of the Legislative Branch, the duties of the Judicial Branch are outside the purview of this Charter.~~

ARTICLE 2 - THE COUNTY COUNCIL ~~LEGISLATIVE BRANCH~~

Section 2.10 - Name; Composition
The legislative ~~Body~~ authority of the County shall consist of six (6) members ~~nominated and voted on by district~~ who are qualified for office as provided by this Charter and state law and selected in accordance with the methods set forth in this Charter. The legislative authority shall be known as the County Council and its members known as County Council members.

~~**Section 2.11 - Name**~~
~~The Legislative Body shall also be known as the County Council and its members known as County Council Members.~~

Section 2.20 - Elections
~~M~~Each members of the ~~Legislative Body~~ County Council ~~are~~ shall be qualified as provided in Section 5.20 of this Charter and elected pursuant to Article 5 4 - Elections of this Charter.

Section 2.30 - Legislative Powers and Duties
(1) The legislative powers of the County, as granted by the State Constitution and law and not reserved to the people shall be vested in the ~~Legislative Body~~ County Council. The enumeration of particular legislative powers herein shall not be construed as limiting the legislative powers of the ~~Legislative Body~~ County Council.
(2) The ~~Legislative Body~~ County Council shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power to:
(a) Levy taxes, appropriate revenue and adopt budgets for the County.
(b) Establish the compensation (and benefits, if any) to be paid to all non-elected County officers and employees and to provide for the reimbursement of expenses.
(c) Establish, abolish, combine and divide by ordinance, non-elective administrative offices ~~and executive departments~~ and to establish their powers and responsibilities unless otherwise limited by law or other provisions of this Charter.
(d) Adopt by ordinance comprehensive plans and development regulations including plans for present and future development and improvement of the county.
(e) Approve contracts or establish by ordinance methods by which any type of contract shall be approved.
(3) The ~~Legislative Body~~ County Council, as a whole or by committee, may conduct public hearings on matters of public concern.

~~**Section 2.31 - Limitations of Power and Relationship with Other Branches**~~
~~(1) Except in the exercise of its legislative powers under this Charter, as defined in Section 2.30, the Legislative Body, its staff, and individual Legislative Body members shall not interfere in the administration of the Executive Branch. They shall not give orders to, or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Administrator, Executive Branch, or other elected officials.~~
~~(2) Interaction between the Legislative Body, its staff and individual Legislative Body Members, and officers and employees within the Executive Branch shall follow procedures developed by and agreed upon by the Legislative Body and the County Administrator.~~

Section 2.31 - Executive Powers and Duties
(1) The executive powers of the County as granted by the State Constitution and law, and not otherwise reserved or granted by the Constitution, state law or this Charter to other independently elected county officials, are vested in the County Council. The enumeration of particular executive powers herein shall not be construed as limiting the executive powers of the County Council.
(2) The County Council shall exercise its executive power by adoption and enactment of ordinances or resolutions. It shall have the power to:

(a) Delegate its executive duties to subordinate officers appointed for that purpose.

(b) Manage all administrative offices and functions.

(c) Ensure that all actions of the County are compliant with all federal, Washington State, San Juan County codes, laws and procedures, and this Charter, seeking advice from the Prosecuting Attorney or other sources as necessary.

(d) Ensure that all systems, procedures and use of technology under the County Council be periodically reviewed and actions taken to ensure that optimum practices are being employed.

(e) Review and approve operating and capital budgets, accompanied by a budget message setting forth proposals for the County during the next fiscal year.

(f) Assign duties to administrative offices, which are not specifically assigned by this Charter or by ordinance.

(g) Act as the signing authority, on behalf of this County, on all claims, deeds, contracts and other instruments initiated within the fiscal and budgetary procedures.

Section 2.40 - Organization

(1) The ~~Legislative Body~~ County Council shall annually elect one of its members as chair and another of its members as vice-chair who shall act in the absence of the chair.

(2) The ~~Legislative Body~~ County Council shall be responsible for its own organization, the rules of conduct of its business and for the employment and supervision of persons it deems necessary to assist in the performance of its duties.

(3) A majority of the ~~Legislative Body~~ County Council shall constitute a quorum at all meetings. Unless otherwise provided, action of the ~~Legislative Body~~ County Council shall require the affirmative vote of four (4) members.

Section 2.41 - Rules of Procedure

The ~~Legislative Body~~ County Council shall enact by ordinance rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction, publication, consideration and adoption of ordinances; provided, that the ~~Legislative Body~~ County Council shall meet in open session regularly at least twice monthly.

Section 2.42 - Interactions with County Employees

In all interactions with County employees, County Council members shall exhibit ethical and respectful behavior. No individual County Council member shall direct or discipline, or threaten to direct or discipline, any County employee, whether department head, supervisor or volunteer unless such direction or disciplinary action, or warning concerning such direction or disciplinary action, has first been duly approved by a majority of the County Council. Any directives or discipline by County Council members shall be made through the established chain of authority. No disciplinary action by the County Council may be taken with respect to another elected official or an employee or volunteer hired by or reporting to other elected officials.

Section 2.50 - Ordinances

(1) Every legislative act shall be by ordinance except for matters that may be addressed by resolution as provided in Section 2.70 of this Charter. The subject of every ordinance shall be clearly stated in the title, and no ordinance shall contain more than one subject. Ordinances or summaries of them, the places where copies are filed, and the times when they are available for inspection, shall be published when the ordinances are proposed and again upon enactment.

(a) No ordinance shall be amended unless the new ordinance sets forth each amended section or subsection at full length.

(b) Ordinances may adopt, by reference, Washington State statutes, any recognized printed codes or compilations in entirety or in part.

(2) Every ordinance shall be introduced in its entirety in writing.

(3) Except as otherwise provided in this Charter, all ordinances shall take effect ten (10) working days after the date it is enacted or later if so stipulated in the ordinance.

Section 2.51 - Codification of Ordinances

All ordinances of the County, which are of a general and permanent nature or which impose any fine, penalty, or forfeiture, shall be codified in a code, which shall be adopted by ordinance and shall be known as the San Juan County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the public libraries in the County and in such other places as the ~~Legislative Body~~ County Council deems appropriate.

Section 2.52 - Emergency Ordinances

(1) An ordinance necessary for the immediate preservation of the public peace, health, or safety or support of the County government and its existing institutions may be passed by action of the ~~Legislative Body~~ County Council, which shall be effective immediately.

(2) An emergency ordinance shall be introduced and passed in the manner prescribed for emergency ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance.

Section 2.53 - Emergency Ordinances - Limitations

No emergency ordinance may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility or authorize the borrowing of money for more than one hundred and twenty (120) days.

~~**Section 2.60 - Confirmations**~~

~~The Legislative Body shall confirm or reject appointments by the County Administrator within thirty (30) days of the date the name or names of are submitted to it. Failure of the Legislative Body to reject an appointment within thirty (30) days shall result in automatic confirmation of said appointment.~~

Section 2.~~60~~70 - Miscellaneous Appointments

The ~~Legislative Branch~~ County Council by action shall appoint members of all boards and commissions except as otherwise provided in this Charter.

Section 2.80 - Resolutions

(1) The ~~Legislative Body~~ County Council may pass a resolution to:

(a) Organize and administer the ~~Legislative branch~~ departments under their supervision.

(b) Make declarations of policy that do not have the force of law.

(c) Request information from any other agency of the County government.

(2) The ~~Legislative Body~~ County Council in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances.

ARTICLE 3 - ~~THE EXECUTIVE BRANCH~~ OTHER ELECTED OFFICIALS

Section 3.10 - Composition

~~The Executive Branch shall be divided into Executive and Administrative Offices.~~

~~**Section 3.20 - Executive Offices**~~

(1) ~~The Executive offices shall consist of the following elected officials~~ Elected County officials in addition to the County Council shall consist of: the County Assessor, County Auditor, County Clerk, County Treasurer, Prosecuting Attorney, and County Sheriff.

(2) ~~These offices shall be re-created by this Charter and, unless amended by this Charter~~ Unless otherwise provided in this Charter, the County officials, shall have the ~~same powers and duties as in the past~~ powers, duties and obligations granted to each official by the State Constitution and statutes

and any other applicable laws (unless amended by new State statutes whereupon the new statutes shall prevail). Such powers and duties shall be subject to: all ordinances passed by the ~~Legislative Branch~~ County Council or initiatives passed by the voters; and to all personnel, budgeting, expenditure, and any other policies of general application ~~recommended by the County Administrator~~ and adopted by the ~~Legislative Branch~~ County Council.

~~Section 3.30 - Administrative Offices~~

~~The Administrative offices shall consist of all appointed department heads.~~

~~Section 3.40 - County Administrator~~

~~The County Administrator shall be the chief administrative officer.~~

~~Section 3.41 - Selection and Termination Process~~

~~(1) The Legislative Body is vested with the responsibility for conducting a professional search to locate and hire a County Administrator qualified to carry out the duties of the office as detailed in Section 3.43 of this Charter.~~

~~(2) The County Administrator shall serve under an at-will employment contract. Termination of the County Administrator shall comply with the terms of such a contract.~~

~~Section 3.42 - Compensation~~

~~The County Administrator shall receive compensation determined by the Legislative Body sufficient to attract a qualified professional.~~

~~Section 3.43 - Powers and Duties~~

~~(1) The County Administrator shall have all the executive powers of the County that are not expressly vested in other specific elected officers by this Charter. The County Administrator shall:~~

~~(a) Manage all administrative offices and functions.~~

~~(b) Insure that all actions of the Executive Branch are compliant with all Federal, Washington State, San Juan County codes and procedures, and this Charter seeking advice from the County Prosecutor or other sources as necessary.~~

~~(c) Insure that all systems, procedures and use of technology of the departments under the County Administrator's jurisdiction be periodically reviewed and actions taken to insure that optimum practices are being employed.~~

~~(d) Present to the Legislative Branch an annual statement of the governmental affairs of the County and any other report, which the Legislative Branch may deem necessary.~~

~~(e) Prepare and present to the Legislative Branch, operating and capital budgets, accompanied by a budget message setting forth proposals for the county during the next fiscal year.~~

~~(f) Assign duties to administrative offices and executive departments, which are not specifically assigned by this Charter or by ordinance.~~

~~(g) Act as the signing authority, on behalf of the County, on all claims, deeds, contracts and other instruments initiated within the fiscal and budgetary procedures.~~

~~(2) The specific statement of particular executive powers shall not be construed as limiting the executive powers of the County Administrator.~~

~~Section 3.50 - Appointments by the County Administrator and Confirmation~~

~~The County Administrator shall appoint the head of each administrative department. All such appointments by the County Administrator shall be provisional until confirmed by action of the Legislative Body.~~

ARTICLE 4 - ADMINISTRATIVE DEPARTMENTS

Section 4.10 - Composition

The Administrative Departments shall include the County Manager, the Department of Public Works and such additional departments, offices or agencies as the County Council may deem necessary. The Administrative Departments, offices and agencies shall be responsible to the County Council and shall perform such duties and functions as assigned to them by this Charter, ordinance or other applicable law.

Section ~~3.51~~4.20 - Qualifications

The heads of the administrative departments shall be appointed by the County Council based on their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

Section ~~3.52~~4.30 - Appointments by Department Heads

The head of each administrative department shall appoint all managers and employees of the department complying with the rules of the personnel system when appointing managers and employees to positions covered by the personnel system. All managers that report directly to a department head shall be confirmed by the County ~~Administrator~~ Council.

Section 4.40 - County Manager

The County Council shall appoint a County Manager, directly responsible to the County Council, selected on the basis of his or her executive experience and professional administrative qualifications, to assist the County Council in carrying out the administrative responsibilities of the County. He or she need not, at the time his or her employment commences, be a resident of the county or state. No member of the County Council shall, during the time for which he or she was elected, be chosen County Manager. The County Council shall, by resolution, establish the County Manager's contract or terms of employment, including compensation, provided that the contract shall be at will and terminable in accordance with such terms. In the case of absence or disability of the County Manager, the County Council may delegate some qualified person to perform the duties of the office during such absence or disability. Employment of a County Manager shall not be construed as changing the relationship of the County Council members or other elected officials to their constituents, or the relationship of the County Council members to other elected officials.

Section 4.41 - Duties and Responsibilities

It is the prerogative of the County Council to determine whether department heads report directly to them or through their appointed County Manager. The County Manager shall be directly responsible to the County Council and he or she may serve the County Council and the County in any or all of the following ways: by making recommendations concerning the affairs and needs of the County as may be necessary; carrying out the goals and policies of the County Council while acting as its representative in the budget process; supervising, performing and delegating other responsibilities as may be prescribed by this Charter or required of him or her by ordinance or resolution of the County Council. The County Manager and any other officer or officers of the County are authorized to exercise and perform any of their duties or responsibilities through any of their respective subordinates.

~~Section 3.60 - Administrator Pro Tempore~~

~~(1) Between January 1 and February 28 of odd numbered years, the Legislative Body shall designate by action any qualified person, other than a sitting member of the Legislative Body, to serve as Administrator Pro Tempore.~~

~~(2) The Administrator Pro Tempore shall hold office at the pleasure of the Legislative Body, and in case of the absence, temporary disability, resignation or termination of the County Administrator, shall perform the duties of the County Administrator until the County Administrator returns or a replacement is hired.~~

~~(3) The Administrator Pro Tempore shall not have power to appoint or remove any department head. While the Administrator Pro Tempore is acting County Administrator, the Legislative Body can remove a department head and /or, in the case of a vacancy (caused by removal or resignation),~~

~~to allow an interim, temporary appointment to be made by the Administrator Pro Tempore subject to confirming action of the Legislative Body.~~

Section ~~3.70~~ 4.50 - Hearing Examiner System

(1) A hearing examiner system shall be established for consideration of land and shoreline issues.

(2) The qualifications, powers, and duties of, and procedures to be employed by the hearing examiner, shall be established by the ~~Legislative Body~~ County Council.

(3) The ~~Legislative Body~~ County Council may, at its discretion, authorize the hearing examiner to conduct any other non-legislative hearing permitted or mandated by state or local law, including those permitted or mandated pursuant to this Charter, notwithstanding anything in this Charter to the contrary.

(4) Decisions of the hearing examiner are not subject to administrative review by the ~~Legislative Body~~ County Council unless the ~~Legislative Body~~ County Council, in consultation with the Prosecuting Attorney, has adopted, by ordinance, written procedures for the discretionary review of the decisions of the hearing examiner. The rules for discretionary review shall provide:

(a) That an appellant may choose to bypass review by the ~~Legislative Body~~ County Council and seek direct review with the court or other tribunal as provided by law;

(b) The grounds under which the ~~Legislative Body~~ County Council may choose to hear or not to hear an appeal; and

(c) Such other matters as the ~~Legislative Body~~ County Council deems pertinent to the appeal of decisions of the hearing examiner.

In no event will the act of bypassing administrative review before the ~~Legislative Body~~ County Council be considered a failure to exhaust administrative remedies.

ARTICLE 5 ~~4~~- ELECTIONS

Section ~~4~~5.10 - Election Procedures

Except as provided in this ~~Article~~ Charter, nominating primaries and elections of the County Sheriff, County Treasurer, County Clerk, County Auditor and County Assessor shall be conducted in accordance with general law governing the election of non-partisan County officers. Except as provided in this ~~Article~~ Charter, nominating primaries and elections of the Legislative Body shall be conducted in accordance with general law governing the election of non-partisan County officers. The election of the Prosecuting Attorney shall be as provided by state law.

Section ~~4~~5.20 - Qualifications; Residency for County Council Member

Each county officer holding an elective office shall be, at the time of appointment or filing a declaration of candidacy for election, at the time of election, and at all times while holding office, a citizen of the United States and a resident and registered voter of San Juan County. In addition, ~~Legislative Body~~ County Council members must ~~be residents of the County and registered voters of the district from which they are nominated~~ reside in the district to which he or she seeks or holds office at the time of appointment or filing a declaration of candidacy for election, at the time of election and at all times while holding office. No ~~Legislative~~ County Council residency district boundary change shall disqualify the ~~Legislative Body~~ County Council member from holding office for the remainder of the term of office.

Section 4 5.30 - ~~Legislative Body~~ County Council Residency Districts

(1) The six (6) Legislative Districts shall be designated as District 1, District 2, District 3, District 4, District 5 and District 6.

(a) The Districts shall consist of nearly equal populations using the criteria of RCW 29A.76.010. To the extent practical, the districts shall consist of whole islands and nearly contiguous islands.

(b) The ~~initial~~ districts are ~~established to include existing precincts~~ as follows:

District 1 - San Juan South~~: San Juan 1, San Juan 5~~.

District 2 - San Juan North~~: San Juan 2, San Juan 3, San Juan 4, Stewart~~.

District 3 - Friday Harbor~~: Friday Harbor 1, Friday Harbor 2~~.

District 4 - Orcas West~~: Orcas 1, Orcas 2, Waldron~~.

District 5 - Orcas East~~: Orcas 3, Orcas 4~~.

District 6 - Lopez/Shaw~~: Lopez 1, Lopez 2, Shaw, Blakely, Decatur~~.

(2) The lines of the districts shall not be changed more frequently than once in four years and only when all ~~Legislative Body~~ County Council members are present. If any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations. (RCW 36.32.020)

Section ~~4~~5.31 - ~~Legislative Body~~ County Council - Terms

The terms of office of ~~Legislative Body~~ County Council members shall be four (4) years or until their successors are elected, qualified and assume office in accordance with RCW 29A.20.040: PROVIDED, that the terms shall be staggered so that in one even numbered election year members from District 1, District 3, District 4 shall be elected and the next even numbered election year ~~one~~ members from District 2, District 5 and District 6 shall be elected.

Section ~~4~~5.32 - ~~Legislative Body~~ County Council - Nominations

Qualified voters each district shall nominate candidates for the ~~Legislative Body~~ County Council.

Section ~~4~~5.33 - ~~Legislative Body~~ County Council - Elections

~~Legislative Body~~ County Council members shall be elected by the qualified voters of the district. The person receiving the highest number of votes for the position in the district in which such member resides shall be declared duly elected.

Section ~~4~~5.34 - ~~Legislative Body~~ County Council - Districting Committee

(1) Commencing with the 2010 census, within sixty days after each federal decennial census data is received from the State Redistricting Commission or its successor, a six (6) member Districting Committee, consisting of one (1) member from each ~~Legislative~~ District, shall be appointed by the ~~Legislative Body~~ County Council. Members of the Districting Committee shall:

(a) Serve without salary but shall be compensated for reasonable-out-of-pocket expenses.

(b) Meet within thirty days of its appointment to draw a redistricting plan for the county that shall be submitted to the ~~Legislative Body~~ County Council for adoption following a public hearing.

(2) No later than eight months after receipt of the census data, the ~~Legislative Body~~ County Council shall adopt a districting plan by ordinance.

Section ~~4~~5.40 - Oath of Office

An oath or affirmation to support the Constitutions of the United States and the State of Washington and the Charter and ordinances of San Juan County and to perform faithfully, impartially, and honestly the duties of office, shall be made by each elected officer before entering upon the duties of office. (RCW 36.16.040)

Section ~~4~~5.50 - Official Bonds

A surety bond shall be required for all elected officers and such County employees as may be designated by ordinance. Bonds shall be in the form and amount required by ordinance and the cost borne by the County. See RCW 36.16.050 for schedule of bonds.

Section 4~~5~~.60 - Vacancies in Office

(1) An elective office shall become vacant when one of the following occurs:

(a) Death;

(b) Total permanent incapacity as determined by a panel of three physicians;

(c) Resignation;

(d) Recall of the officer;

(e) A ~~Legislative Body~~ County Council member absent from three (3) consecutive regular meetings of the ~~Legislative Body~~ County Council without reasonable cause;

(f) Absence from the County for thirty (30) days without being excused by the ~~Legislative Body~~ County Council; or

(g) Failure to maintain residence within the district from which elected.

(2) Vacancies in a non-partisan elected office shall be filled at the next November General Election, unless the vacancy occurs after the day for filing declarations for candidacy, in which case the vacancy shall be filled at the next succeeding November election. The person elected shall take office upon certification of the results of the election and shall serve the unexpired term of the vacated office. Until a successor has been elected and ~~certified~~ qualified, a majority of the ~~Legislative Body~~ County Council shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications set in Section 4.20 of this Charter.

(3) Vacancies in partisan elected offices shall be filled pursuant to RCW 42.12.040.

Section 4~~5~~.70 - Commencement of Terms of Office

~~The term of office of elected County officers shall commence on the second Monday of the next January immediately following the November general election.~~

Unless otherwise provided by this Charter the terms of office of elected county officials shall commence on the date specified by general law for public officers elected at general elections. (See RCW 29A.20.040)

ARTICLE 5~~6~~ - THE PUBLIC INTEREST

Section 5~~6~~.10 - Direct Government

The people of San Juan County reserve to themselves the power to make certain proposals, at their option, and to enact or reject them at the polls, independent of the ~~Legislative Body~~ County Council in accordance with this Article.

Section 5~~6~~.20 - Initiative

The people reserve to themselves the power of initiative. Any ordinance or amendment to an ordinance may be proposed by filing an initiative petition with the County Auditor.

Section 5~~6~~.21 - Initiative - Limitations

(1) No initiative shall contain more than one (1) issue.

(2) No initiative proposal requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

(3) Redistricting of the ~~Legislative~~ County Council districts shall not be subject to the initiative process.

Section 5~~6~~.22 - Initiative - Procedures

(1) Any legal voter or organization of legal voters of San Juan County may file an initiative proposal with the County Auditor, who within five (5) working days shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the initiative by giving the proposed initiative a number, which shall thereafter be the identifying number for the measure.

(2) The County 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 a concise statement, posed as a positive question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.

(3) The petitioner then has one-hundred-twenty (120) days to collect the signatures of the registered voters in the County equal in number to at least fifteen (15) percent of the votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title.

(4) The County 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 at least one hundred and twenty (120) days after the registering of the petition.

(5) The ~~Legislative Body~~ County Council may choose to enact the proposal without change or amendment. If the ~~Legislative Body~~ 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.

(6) The voters shall be given the choice of accepting either or rejecting both. The voters 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.

Section 5~~6~~.23 - Initiative - Amend or Repeal

No ordinance enacted by power of initiative shall be amended or repealed by the ~~Legislative Body~~ County Council within two (2) years after enactment unless amended or repealed by a subsequent initiative or referendum.

Section 5~~6~~.30 - Mini-Initiative

(1) Any ordinance or amendment to an existing ordinance may be proposed to the ~~Legislative Body~~ County Council by registering with the County Auditor initiative petitions bearing the signatures of qualified voters equal in number to at least three (3) per cent of the number of votes cast in the County in the last gubernatorial election.

(2) Upon verifying the sufficiency of the signatures, the County Auditor shall transmit the initiative petition to the ~~Legislative Body~~ County Council, which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within sixty (60) days.

Section 5~~6~~.31- Mini-Initiative - Failed Initiative

If the proponents of an initiative fail to obtain the required number of signatures in the designated period, but have sufficient signatures to qualify the proposal as a mini-initiative, the proposal, at the request of the proponents, shall be treated as a mini-initiative.

Section 5~~6~~.40 - Referendum

(1) The people reserve for themselves the power of referendum.

(2) The referendum may be ordered on any ordinance, or any part thereof passed by the ~~Legislative Body~~ County Council except such ordinances as may be necessary for the immediate preservation of the public peace, health or safety.

(3) Upon signature validation of a referendum petition, the measure passed by the ~~Legislative Body~~ County Council will be rendered ineffective pending the outcome of the referendum procedure. The signature validation of a referendum petition against one or more items, sections or parts of any ordinance will not delay the remainder of the measure from taking effect.

Section 5~~6~~.41 - Referendum - Procedures

(1) Any legal voter or organization of legal voters of San Juan County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the County Auditor within forty-five (45) days after the ordinance is passed by the ~~Legislative Body~~ County Council.

(2) Within five (5) working days, the County Auditor shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the referendum by giving the referendum a proposal number, which shall thereafter be the identifying number for the measure.

(3) The County Auditor shall then transmit a copy of the proposal to the ~~County~~ Prosecuting Attorney, who within ten (10) days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.

(4) The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the measure being referred and the ballot title.

(5) The County Auditor shall verify the sufficiency of the signatures on the petition and if validated, submit the measure to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petitions.

Section 5~~6~~.50 - Numbering System

The County Auditor, when assigning numbers to initiatives, referendums and mini-initiatives, shall use a separate sequential series for each category. No number shall be reissued once used.

Section 5~~6~~.60 - Recall

The people further reserve the power of recall as provided in the Constitution and the laws of the State of Washington.

Section 5~~6~~.70 - Implementation by Ordinance

The ~~Legislative Body~~ County Council shall enact ordinances to promote the carrying out of the provisions of this Article.

ARTICLE 6~~7~~ - FINANCIAL ADMINISTRATION

Section 6~~7~~.10 - Presentation and Adoption of Budgets

(1) At least seventy-five (75) days prior to the end of each fiscal year, the County ~~Administrator~~ Auditor shall present to the ~~Legislative Body~~ County Council a complete budget~~ and budget message~~, proposed current expense and capital budget appropriation resolutions, and proposed tax and revenue resolutions necessary to raise sufficient revenues to balance the budget.

(2) At least fifteen (15) days prior to the end of the fiscal year, the ~~Legislative Body~~ County Council shall adopt appropriation, tax and revenue resolutions for the next fiscal year.

Section 6~~7~~.20 - Budget Information

At least one hundred thirty-five (135) days prior to the end of each fiscal year, all departments and agencies of County government shall submit to the County ~~Administrator~~ Auditor information necessary to prepare the budget, as requested by the County ~~Administrator~~ Auditor.

Section 6~~7~~.30 - Contents of Budget

(1) The budget shall:

(a) Include all funds, revenues and reserves; be divided into categories, projects, and objects of expense and include supporting data deemed advisable by the County ~~Administrator~~ Auditor or required by ordinance;

(b) Indicate as to each category, project or object of expense, the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year;

(c) Include proposed capital improvement programs for the next six (6) fiscal years.

(2) The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues, surpluses and reserves.

Section 6~~7~~.40 - Budget Message

~~The~~ A draft budget message shall be prepared jointly by the County Council and the County Auditor, and shall explain the budget in fiscal terms and in terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the County. The budget message shall be approved by the County Council prior to distribution.

Section 6~~7~~.41 - Copies of the Budget

Copies of the budget and budget message shall be delivered to the County ~~Auditor~~ Manager and each ~~Legislative Body~~ County Council member. The budget message and supporting tables shall be furnished to any interested person upon request for a reasonable fee as established by ordinance and shall be available for public inspection from the time the budget message is delivered.

Section 6~~7~~.50 - Budget ~~Control~~ Review

Within six (6) weeks following the end of each quarterly period during the fiscal year, and more often if required, the County ~~Administrator~~ Auditor shall submit to the ~~Legislative Body~~ County Council, a written report showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the ~~Legislative Body~~ County Council may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

Section 6~~7~~.60 - Consideration and Adoption of the Budget

(1) Prior to the adoption of any appropriation ordinances for the next fiscal year, the ~~Legislative Body~~ County Council shall hold public hearings to consider the proposed budget~~. presented by the County Administrator and shall hold any other public hearings on the budget or any part thereof that it deems advisable.~~

~~(2) The Legislative Body, in considering the appropriation ordinances by the County Administrator, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the County Administrator.~~

(2) The County Council shall consider the budget in detail and may make any revisions or additions as it deems advisable (RCW 36.40.050).

(3) The appropriation ordinances adopted by the ~~Legislative Body~~ County Council shall not exceed the estimated revenues of the County for the next fiscal year for each fund including surpluses and reserves.

(4) The ~~Legislative Body~~ County Council may increase the amount of the estimated revenues contained in the budget presented by the County ~~Administrator~~ Auditor by re-estimating the amount by passing a motion to that effect or by creating additional sources of revenue which were not included in the proposed tax revenue ordinances~~. presented by the County Administrator.~~

(5) Once the annual budget has been approved, ~~the County Administrator shall need no further authorization to expend the funds appropriated~~ the funds shall be expended as per RCW 36.40.100.

Section 6~~7~~.70 - Additional Appropriations

Additional funds may be appropriated by contingency or emergency appropriations.

Section 6~~7~~.71 - Contingency Appropriations

The annual budget ordinance shall include contingency funds, which shall not be expended unless the County ~~Administrator~~ Auditor certifies in writing that sufficient funds are available and the ~~Legislative Body~~ County Council adopts an additional appropriation ordinance ~~after being requested to do so by the County Administrator~~.

Section 67.72 - Emergency Appropriations
The ~~Legislative Body~~ County Council may adopt an emergency appropriation ordinance, which may appropriate contingency funds, revenues received in excess of revenues estimated in the budget and funds from any other source available to the County in an emergency.

~~Section 6.73 - Additional Capital Budget Appropriations~~
~~The Legislative Body shall not adopt an additional or amended capital budget appropriation ordinance during the fiscal year unless requested to do so by the County Administrator.~~

ARTICLE ~~7~~8 - PERSONNEL SYSTEM

Section ~~7~~8.10 - Purpose
The ~~Legislative Body~~ County Council shall, by ordinance, establish and maintain a personnel system for the County.

Section ~~7~~8.20 - Exemptions
The provisions of this Article shall apply to all County positions except:
(a) Independent Contractors.
(b) All volunteer members of boards and commissions appointed by the Legislative Body or County Administrator.
(c) All elected County officers.
(d) Other ~~employees~~ persons as may become necessary as determined by the ~~Legislative Body~~ County Council.

~~Section 7.30 - Administration~~
~~The County Administrator shall administer the personnel system of the County in accordance with the personnel rules adopted by the Legislative Body by ordinance.~~

Section ~~7.4~~8.30 - Compensation
Compensation for County Elected Officials shall be commensurate with their duties and shall be set by a duly appointed Citizens' Salary Commission (RCW 36.17.024).

ARTICLE 8~~9~~ - CHARTER REVIEW AND AMENDMENT

Section 8~~9~~.10 - Charter Review Commission
As provided in this Article, this Charter shall be reviewed periodically by a Charter Review Commission (hereinafter referred to as the CRC).

Section 8~~9~~.11 - Duties
The CRC shall review the Charter to determine its adequacy and suitability to the needs of the County and may propose amendments. The CRC may also make recommendations to the ~~Legislative Body~~ County Council and publish its findings.

Section 8~~9~~.20 - Election Procedures and Period of Office
(1) ~~Five (5) years after adoption of this Charter and at least every ten (10) years thereafter t~~The ~~Legislative Body~~ County Council shall cause an election of a CRC in 2020 and at least every ten (10) years thereafter provided that the CRC election is held in an even numbered year.
(a) The CRC shall consist of fifteen to twenty-five (15-25) persons. The number of CRC members for each County Council district shall be apportioned according to the population distribution in each ~~Legislative Body~~ County Council district.
(b) Candidates for the CRC must be residents of the county and registered voters of the district in which they run ~~who~~ and have been ~~residents of~~ registered voters in the County for at least five (5) years preceding their election.
(c) There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot.
(d) The member of the CRC who receives the greatest number of votes shall convene the first CRC meeting.
(e) The term of office shall be the shorter of one (1) year or when final recommendations are submitted to the Legislative Body for referral to the voters.
(f) The CRC shall meet at such times and in such places as it deems appropriate upon having given public notice.

Section 8~~9~~.21 - Vacancy
~~(1) If a CRC member is absent from three (3) consecutive meetings without prior notice being given to the Chair, a vacancy in that position may be declared by a two-thirds vote of the CRC.~~
~~(2) Any vacancy on the CRC shall be filled within fourteen (14) days of the declaration of a vacancy, by the next highest recipient of votes cast in the CRC election from the district where the vacancy occurs.~~
If any person elected to the CRC dies, resigns, or misses for consecutive regular meetings for any reason, that person shall have vacated his or her position, whereupon the CRC shall fill the position with the vote runner-up from the same district within fifteen days of that vacation, or the seat may be left vacant by a majority vote of the CRC.

Section 8~~9~~.22 - Expenditures
(1) The ~~Legislative Body~~ County Council shall provide to the CRC reasonable funds, facilities and services appropriate to an elected County agency. Provisions shall be made in the budget for the expenditures of the CRC during its scheduled term of office.
(2) Members of the CRC shall serve without salary, except that they shall be reimbursed for reasonable out-of-pocket expenses.

Section 8~~9~~.30 - Charter Amendment - General Provisions
Charter amendments may be proposed by the CRC, the ~~Legislative Body~~ County Council or by the public.

Section 8~~9~~.31 - Charter Amendment - Procedures
(1) Any proposed Charter amendment shall be filed and registered with the County Auditor and submitted to the voters at the next November general election occurring at least ninety (90) days after registration of the proposed amendment with the County Auditor.
(2) In submitting any amendment of the Charter to the voters, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others. An amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.
~~(3) If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that people may vote for or agains the amendments separately; provided, an amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.~~
(3) ~~(4)~~ If a proposed amendment is approved by a majority of the voters voting on the issues, it shall be effective ten (10) days after the results of the election are certified, unless a later date is specified in the petition or ordinance proposing the amendment.
(4) ~~(5)~~ Any implementing ordinance required by any Charter amendment shall be enacted by the ~~Legislative Body~~ County Council within one hundred and eighty (180) days after the amendment is effective, unless the amendment provides otherwise.

Section 8~~9~~.32 - Amendments by the Charter Review Commission
The CRC may propose amendments to the Charter by filing such proposed amendments with the ~~Legislative Body~~ County Council who shall submit the amendments to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments.

Section 8~~9~~.33 - Amendments by the Public

The public may propose amendments to the Charter by:

(a) Registering with the County Auditor an initiative petition bearing the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election.

(b) Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the County Auditor, who shall submit the amendments to the voters.

(i) 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.

(ii) 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.

Section 8~~9~~.34 - Amendments by the ~~Legislative Body~~ County Council

(1) The ~~Legislative Body~~ County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment.

(2) The ~~Legislative Body~~ County Council by unanimous vote of the entire ~~Legislative Body~~ County Council may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

Section 8~~9~~.40 - Repeal of Charter

Any proposal to repeal this Charter shall include provisions for transition.

ARTICLE 9~~10~~ - GENERAL PROVISIONS

Section 9~~10~~.10 - Severability and Construction

The provisions of this Charter are severable. If any provision should be declared unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this Charter.

Section 9~~10~~.20 - Purchasing, Contracts, Claims, and Bonds

(1) The ~~Legislative Body~~ County Council shall establish, by ordinance, procedures for purchasing supplies, services, materials and equipment, the awarding of contracts, the processing of claims, and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

(2) All purchases, contracts and bonds subject to bid procedures shall be advertised and, unless all bids are rejected, shall be awarded on the basis of sealed bidding to the lowest responsible bidder.

Section 9~~10~~.30 - Franchises

All franchises granted by the ~~Legislative Body~~ County Council shall be for fixed term not to exceed twenty-five (25) years, and no exclusive franchise shall be granted for the use of any street, road or public place.

Section 9~~10~~.40 - Public Disclosure

Public disclosure of financial interest of elected public officials shall be governed by general law.

Section 9~~10~~.50 - Information Management

The County ~~Administrator~~ Manager shall establish procedures for maintaining a modern, efficient system for processing, maintaining and disposing of information and records; shall maintain a means to store and maintain, in retrievable manner, all County records which should not be destroyed and which are not necessary for the current operation of County government; and shall provide needed services for all branches of County government in a way that shall be deemed desirable for the efficient operation of the County government. These procedures shall be in compliance with general law and shall affect all departments of the County, elective or appointed.

ARTICLE 11 - TRANSITION 2012 AMENDMENTS

The provisions of this Article relate to the implementation of the Charter amendments adopted in 2012, and where inconsistent with the foregoing Articles of the Charter, the provisions of this Article shall constitute exceptions.

Section 11.10 - Continuation of Ordinances and Vested Rights

All ordinances, administrative rules and resolutions in operation at the time these Charter amendments take effect, to the extent that they are not inconsistent with the amendments, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of these amendments shall not be affected by adoption of the amendments. The 2012 amendments to the County Charter are not intended to affect the existing contract between the County and the County Administrator.

Section 11.20 - Amendment Effective Date

Except as provided in this Article 11, all amendments to the Charter shall be effective upon certification of the November 2012 election.

Section 11.30 - Expiration

This Article 11 shall expire on January 1, 2017 and shall not appear in the publication of the Charter after that date.

San Juan County

Proposition No. 3

Concerns amendment to the charter regarding open public meetings

The San Juan County Charter Review Commission has proposed amendments to the San Juan County Charter concerning open public meetings. This measure would add a provision to the County charter to state that all meetings of the County Council and all committees thereof be open to the public except when a private (executive) session or closed session is allowed by law. This measure also includes technical revisions and clarifications to the charter.

Should this proposal be:

[ ] Approved
[ ] Rejected

You are voting to Approve or Reject the charter amendments proposed by the Charter Review Commission

Approved—you *favor* the amendments proposed by the Charter Review Commission

Rejected—you *do not favor* the amendments proposed by the Charter Review Commission

Explanatory Statement

Prepared by Randall K. Gaylord,
San Juan County Prosecuting Attorney

The San Juan County "Home Rule" Charter includes a process whereby citizens are periodically elected to a Charter Review Commission for the purpose of reviewing the charter and submitting proposed amendments to the public for their consideration. This explains the third of three amendments that have been submitted for approval.

If adopted, this proposal will require that all meetings of the County Council and subcommittees of the County Council be subject to the Open Public Meetings Act, Chapter 42.30 RCW (the "Act"). The proposal allows sessions to be closed to the public when allowed by the Act.

Sometimes it is very clear that a meeting is subject to the Act and sometimes it is not. To determine whether the County Council or a subcommittee is having a "meeting" that must be open it is necessary to look at the definitions of the Act and the law that has followed. The Act defines "meeting" to mean "meetings at which action is taken." "Action" is broadly defined to include final action and also deliberations and discussions. Meetings of a subcommittee of the County Council that is given specific duties will usually be subject to the open public meetings act. Casual discussion of county business by two council members who are not a subcommittee should be allowed to continue under this provision provided that those members have not been given a specific assignment that is the subject of the discussion as a subcommittee.

Meetings of a governing body are, either regular or special meeting. Action may only occur at a regular or special meeting. The Act has specific procedural requirements for notice of regular and special meetings.

The Act contains some exceptions which are not altered by this amendment. A meeting that is subject to an exemption may be closed to the public at the option of the County Council. A closed meeting may be held only for specified purposes and only during a regular or special meeting. Some of the most common reasons for closing meetings are to consider contract price, personnel matters, union negotiations, and legal advice on pending litigation and claims involving the County. The reason for closing the meeting to the public must be given at the meeting.

This amendment also changes the commencement date of all County elected officials to coincide with general laws—on January 1. Other technical changes and clarifications are also proposed with this amendment. This amendment will become effective upon approval by a simple majority of those voting.

Statement For Proposition No. 3

This amendment provides for transparency in our government. It guarantees that all Council meetings including regular, special and committee meetings shall be posted and open to the public, except where state law provides for executive session. The County Prosecutor recently cautioned the Council that committee meetings with 3 members present should be posted and open to the public. However, without this amendment to require open meetings, 2 Council members may still hold meetings with staff, personnel, or administration, that are closed to the public. Opponents to this amendment state that it is not necessary because this Council has changed its meeting policy upon advice from the County Prosecutor. However, this Council or future Councils could reverse this policy at any time. Therefore, we believe that all meetings of the County Council and its subcommittees should be open to the public. Voting to approve is the best way to insure that our elected legislators will always act in a way that is consistently transparent and open.

Argument Prepared by

Moana Kutsche, CRC Legal Committee
Jamie Stephens, Council Member
Gordy Petersen, CRC Chair

For more information:

http://sanjuanco.com/committees/charterreview/CRCDocuments.aspx

Statement Against Proposition No. 3

This amendment is irrelevant and unnecessary.

The Charter Review Commission identified a potential problem with the Charter when they began to craft this amendment last January, even though there was no evidence of an actual problem. The majority concluded that sub-committee meetings of less than a quorum of Council members should not be permitted unless they were advertised and open to the public.

However, on April 26, 2012, the Prosecuting Attorney informed the County Council that all meetings and subcommittee meetings must be open to the public with the exception of executive sessions. Since that time, all sub-committee meetings have been public. The County Council did not dissent and immediately complied with the Prosecuting Attorney's ruling.

This unnecessary ballot measure will change nothing with respect to the conduct of the County Council. Interpretations and clarifications of the Open Public Meetings Act should be left to the Prosecuting Attorney.

Voting to approve or reject this proposition will have no effect, but rejecting it *will* send a message that we should not formalize unnecessary measures in the Charter.

Reject Proposition 3.

Argument Prepared by

Committee to Save Our Charter:
Jeri Ahrenius, San Juan Island
Don Pollard, San Juan Island
Bob Querry, San Juan Island

For more information:

saveourcharter@rockisland.com

Statements are printed as submitted. No spelling, grammatical or other corrections have been made. Committees are solely responsible for content.

Complete Text

San Juan County Home Rule Charter
Proposed by 2012 Charter Review Commission
Proposition No. 3

PREAMBLE

We, the citizens of San Juan County, in order to secure the benefits granted to a Home Rule Charter County under the laws of Washington State and to assert greater control ~~over the actions of~~ by the people [over] County government, adopt this Charter.

ARTICLE 1 - POWERS OF THE COUNTY

Section 1.10 - General Powers
(1) The County shall have all the powers that a Charter County may have under the Constitutions and laws of the United States and the State of Washington.
(2) All ordinances, administrative rules and resolutions in operation at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of this Charter shall not be affected by the adoption of this Charter.

Section 1.20 - Intergovernmental Relations
The County may exercise any of its powers to perform any of its duties, functions, projects, or activities jointly or in cooperation with any one or more governments, governmental agencies, municipal corporations, or any private agency or corporation, in any manner permitted by law and participate in the financing thereof.

Section 1.30 - Construction
(1) The power of the County shall be liberally construed; it is intended that this Charter confer the greatest power of local self-government on the people of San Juan County consistent with the State Constitution. Specific mention of a particular power or authority shall not be construed as a limitation on the general power of the County, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this Charter.
(2) References to adoption of ordinances or resolutions by the Legislative Body as defined in Section 2.30 below shall not be construed as impairing the right of the voters to initiate or refer ordinances or resolutions.

Section 1.40 - Name, Boundaries, County Seat
The Corporate name of this County shall remain San Juan County, and it shall have those boundaries provided by ~~the Legislative Body~~ state law. The County seat shall be Friday Harbor, Washington. Branch offices of the County are authorized and branch offices hereafter established shall be by ordinance.

Section 1.50 - Separation of Powers
The powers delegated to County government by the people shall be separated into three branches:
(a) The Executive Branch,
(b) The Legislative Branch, and
(c) The Judicial Branch.[1]
Although powers are delegated to the three branches, the right and obligation to oversee the functions of government shall be retained by the Citizens of San Juan County.

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[1] With the exception of the quasi-judicial functions of the Legislative Branch, the duties of the Judicial Branch are outside the purview of this Charter.

ARTICLE 2 - THE LEGISLATIVE BRANCH

Section 2.10 - Composition
The legislative Body shall consist of six (6) members ~~nominated and voted on by district~~ who are qualified for office as provided by this Charter and state law and selected in accordance with the methods set forth in this Charter.

Section 2.11 - Name
The Legislative Body shall also be known as the County Council and its members known as County Council Members.

Section 2.20 - Elections
~~M~~Each members of the Legislative Body ~~are~~ shall be qualified as provided in Section 4.20 of this Charter and elected pursuant to Article 4 - Elections of this Charter.

Section 2.30 - Powers
(1) The legislative powers of the County, as granted by the State Constitution and law and not reserved to the people shall be vested in the Legislative Body. The enumeration of particular legislative powers herein shall not be construed as limiting the legislative powers of the Legislative Body.
(2) The Legislative Body shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power to:
(a) Levy taxes, appropriate revenue and adopt budgets for the County.
(b) Establish the compensation (and benefits, if any) to be paid to all non-elected County officers and employees and to provide for the reimbursement of expenses.
(c) Establish, abolish, combine and divide by ordinance, non-elective administrative offices and executive departments and to establish their powers and responsibilities unless otherwise limited by law or other provisions of this Charter.
(d) Adopt by ordinance comprehensive plans and development regulations including plans for present and future development and improvement of the county.
(e) Approve contracts or establish by ordinance methods by which any type of contract shall be approved.
(3) The Legislative Body, ~~as a whole or by committee~~, may conduct public hearings on matters of public concern.

Section 2.31 - Limitations of Power and Relationship with Other Branches
(1) Except in the exercise of its legislative powers under this Charter, as defined in Section 2.30, the Legislative Body, its staff, and individual Legislative Body members shall not interfere in the administration of the Executive Branch. They shall not give orders to, or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Administrator, Executive Branch, or other elected officials.
(2) Interaction between the Legislative Body, its staff and individual Legislative Body Members, and officers and employees within the Executive Branch shall follow procedures developed by and agreed upon by the Legislative Body and the County Administrator.

Section 2.40 - Organization
(1) The Legislative Body shall annually elect one of its members as chair and another of its members as vice-chair who shall act in the absence of the chair.
(2) The Legislative Body shall be responsible for its own organization, the rules of conduct of its business and for the employment and supervision of persons it deems necessary to assist in the performance of its duties.
(3) A majority of the Legislative Body shall constitute a quorum at all meetings. Unless otherwise provided, action of the Legislative Body shall require the affirmative vote of four (4) members.

Section 2.41 - Rules of Procedure
The Legislative Body shall enact by ordinance rules of procedure governing the time, place and conduct of its

meetings and hearings and the introduction, publication, consideration and adoption of ordinances; provided, that the Legislative Body shall meet in open session regularly at least twice monthly.

Section 2.50 - Ordinances

(1) Every legislative act shall be by ordinance except for matters that may be addressed by resolution as provided in Section 2.70 of this Charter. The subject of every ordinance shall be clearly stated in the title, and no ordinance shall contain more than one subject. Ordinances or summaries of them, the places where copies are filed, and the times when they are available for inspection, shall be published when the ordinances are proposed and again upon enactment.

(a) No ordinance shall be amended unless the new ordinance sets forth each amended section or subsection at full length.

(b) Ordinances may adopt, by reference, Washington State statutes, any recognized printed codes or compilations in entirety or in part.

(2) Every ordinance shall be introduced in its entirety in writing.

(3) Except as otherwise provided in this Charter, all ordinances shall take effect ten (10) working days after the date it is enacted or later if so stipulated in the ordinance.

Section 2.51 - Codification of Ordinances

All ordinances of the County, which are of a general and permanent nature or which impose any fine, penalty, or forfeiture, shall be codified in a code, which shall be adopted by ordinance and shall be known as the San Juan County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the public libraries in the County and in such other places as the Legislative Body deems appropriate.

Section 2.52 - Emergency Ordinances

(1) An ordinance necessary for the immediate preservation of the public peace, health, or safety or support of the County government and its existing institutions may be passed by action of the Legislative Body, which shall be effective immediately.

(2) An emergency ordinance shall be introduced and passed in the manner prescribed for emergency ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance.

Section 2.53 - Emergency Ordinances - Limitations

No emergency ordinance may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility or authorize the borrowing of money for more than one hundred and twenty (120) days.

Section 2.60 - Confirmations

The Legislative Body shall confirm or reject appointments by the County Administrator within thirty (30) days of the date the name or names of are submitted to it. Failure of the Legislative Body to reject an appointment within thirty (30) days shall result in automatic confirmation of said appointment.

Section 2.70 - Miscellaneous Appointments

The Legislative Branch by action shall appoint members of all boards and commissions except as otherwise provided in this Charter.

Section 2.80 - Resolutions

(1) The Legislative Body may pass a resolution to:

(a) Organize and administer the Legislative branch.

(b) Make declarations of policy that do not have the force of law.

(c) Request information from any other agency of the County government.

(2) The Legislative Body in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances.

Section 2.90 - Open Meetings

All meetings of the County Council and of committees thereof shall be open to the public except where an executive session is authorized as provided in RCW 42.30.110 or a meeting is closed pursuant to RCW 42.30.140.

ARTICLE 3 - THE EXECUTIVE BRANCH

Section 3.10 - Composition

The Executive Branch shall be divided into Executive and Administrative Offices.

Section 3.20 - Executive Offices

(1) The Executive offices shall consist of the following elected officials: the County Assessor, County Auditor, County Clerk, County Treasurer, Prosecuting Attorney, and County Sheriff.

(2) ~~These offices shall be re-created by this Charter and, unless amended by this Charter~~ Unless otherwise provided in this Charter, the County officials, shall have the ~~same powers and duties as in the past~~ powers, duties and obligations granted to each official by the State Constitution and statutes and any other applicable laws (unless amended by new State statutes whereupon the new statutes shall prevail). Such powers and duties shall be subject to: all ordinances passed by the Legislative Branch or initiatives passed by the voters; and to all personnel, budgeting, expenditure, and any other policies of general application recommended by the County Administrator and adopted by the Legislative Branch.

Section 3.30 - Administrative Offices

The Administrative offices shall consist of all appointed department heads.

Section 3.40 - County Administrator

The County Administrator shall be the chief administrative officer.

Section 3.41 - Selection and Termination Process

(1) The Legislative Body is vested with the responsibility for conducting a professional search to locate and hire a County Administrator qualified to carry out the duties of the office as detailed in Section 3.43 of this Charter.

(2) The County Administrator shall serve under an at-will employment contract. Termination of the County Administrator shall comply with the terms of such a contract.

Section 3.42 - Compensation

The County Administrator shall receive compensation determined by the Legislative Body sufficient to attract a qualified professional.

Section 3.43 - Powers and Duties

(1) The County Administrator shall have all the executive powers of the County that are not expressly vested in other specific elected officers by this Charter. The County Administrator shall:

(a) Manage all administrative offices and functions.

(b) ~~I~~Ensure that all actions of the Executive Branch are compliant with all Federal, Washington State, San Juan County codes and procedures, and this Charter seeking advice from the County Prosecutor or other sources as necessary.

(c) ~~I~~Ensure that all systems, procedures and use of technology of the departments under the County Administrator's jurisdiction be periodically reviewed and actions taken to insure that optimum practices are being employed.

(d) Present to the Legislative Branch an annual statement of the governmental affairs of the County and any other report, which the Legislative Branch may deem necessary.

(e) Prepare and present to the Legislative Branch, operating and capital budgets, accompanied by a budget message setting forth proposals for the county during the next fiscal year.

(f) Assign duties to administrative offices and executive departments, which are not specifically assigned by this Charter or by ordinance.

(g) Act as the signing authority, on behalf of the County, on all claims, deeds, contracts and other instruments initiated within the fiscal and budgetary procedures.

(2) The specific statement of particular executive powers shall not be construed as limiting the executive powers of the County Administrator.

Section 3.50 - Appointments by the County Administrator and Confirmation

The County Administrator shall appoint the head of each administrative department. All such appointments by the County Administrator shall be provisional until confirmed by action of the Legislative Body.

Section 3.51 - Qualifications

The heads of the administrative departments shall be appointed based on their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

Section 3.52 - Appointments by Department Heads

The head of each administrative department shall appoint all managers and employees of the department complying with the rules of the personnel system when appointing managers and employees to positions covered by the personnel system. All managers that report directly to a department head shall be confirmed by the County Administrator.

Section 3.60 - Administrator Pro Tempore

(1) Between January 1 and February 28 of odd numbered years, the Legislative Body shall designate by action any qualified person, other than a sitting member of the Legislative Body, to serve as Administrator Pro Tempore.

(2) The Administrator Pro Tempore shall hold office at the pleasure of the Legislative Body, and in case of the absence, temporary disability, resignation or termination of the County Administrator, shall perform the duties of the County Administrator until the County Administrator returns or a replacement is hired.

(3) The Administrator Pro Tempore shall not have power to appoint or remove any department head. While the Administrator Pro Tempore is acting County Administrator, the Legislative Body can remove a department head and /or, in the case of a vacancy (caused by removal or resignation), to allow an interim, temporary appointment to be made by the Administrator Pro Tempore subject to confirming action of the Legislative Body.

Section 3.70 - Hearing Examiner System

(1) A hearing examiner system shall be established for consideration of land and shoreline issues.

(2) The qualifications, powers, and duties of, and procedures to be employed by the hearing examiner, shall be established by the Legislative Body.

(3) The Legislative Body may, at its discretion, authorize the hearing examiner to conduct any other non-legislative hearing permitted or mandated by state or local law, including those permitted or mandated pursuant to this Charter, notwithstanding anything in this Charter to the contrary.

(4) Decisions of the hearing examiner are not subject to administrative review by the Legislative Body unless the Legislative Body, in consultation with the Prosecuting Attorney, has adopted, by ordinance, written procedures for the discretionary review of the decisions of the hearing examiner. The rules for discretionary review shall provide:

(a) That an appellant may choose to bypass review by the Legislative Body and seek direct review with the court or other tribunal as provided by law;

(b) The grounds under which the Legislative Body may choose to hear or not to hear an appeal; and

(c) Such other matters as the Legislative Body deems pertinent to the appeal of decisions of the hearing examiner. In no event will the act of bypassing administrative review before the Legislative Body be considered a failure to exhaust administrative remedies.

ARTICLE 4 - ELECTIONS

Section 4.10 - Election Procedures

Except as provided in this ~~Article~~ Charter, nominating primaries and elections of the County Sheriff, County Treasurer, County Clerk, County Auditor and County Assessor shall be conducted in accordance with general law governing the election of non-partisan County officers. Except as provided in this ~~Article~~ Charter, nominating primaries and elections of the Legislative Body shall be conducted in accordance with general law governing the election of non-partisan County officers. The election of the Prosecuting Attorney shall be as provided by state law.

Section 4.20 - Qualifications; Residency for County Council Member

Each county officer holding an elective office shall be, at the time of appointment or filing a declaration of candidacy for election, at the time of election, and at all times while holding office, a citizen of the United States and a resident and registered voter of San Juan County. In addition, Legislative Body members must ~~be residents of the County and registered voters of the district from which they are nominated~~ reside in the district to which he or she seeks or holds office at the time of appointment or filing a declaration of candidacy for election, at the time of election and at all times while holding office. No Legislative district boundary change shall disqualify the Legislative Body member from holding office for the remainder of the term of office.

Section 4.30 - Legislative Body Residency Districts

(1) The six (6) Legislative Districts shall be designated as District 1, District 2, and District 3, District 4, District 5 and District 6.

(a) The Districts shall consist of nearly equal populations using the criteria of RCW 29A.76.010. To the extent practical, the districts shall consist of whole islands and nearly contiguous islands.

(b) The ~~initial~~ districts are ~~established to include existing precincts as follows~~:

District 1 - San Juan South~~: San Juan 1, San Juan 5~~.

District 2 - San Juan North~~: San Juan 2, San Juan 3, San Juan 4, Stewart~~.

District 3 - Friday Harbor~~: Friday Harbor 1, Friday Harbor 2~~.

District 4 - Orcas West~~: Orcas 1, Orcas 2, Waldron~~.

District 5 - Orcas East~~: Orcas 3, Orcas 4~~.

District 6 - Lopez/Shaw~~: Lopez 1, Lopez 2, Shaw, Blakely, Decatur~~.

(2) The lines of the districts shall not be changed more frequently than once in four years and only when all Legislative Body members are present. If any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations. (RCW 36.32.020)

Section 4.31 - Legislative Body - Terms

The terms of office of Legislative Body members shall be four (4) years or until their successors are elected, qualified and assume office in accordance with RCW 29A.20.040: PROVIDED, that the terms shall be staggered so that in one even numbered election year one members from District 1, District 3, District 4 shall be elected and the next even numbered election year one member from District 2, District 5 and District 6 shall be elected.

Section 4.32 - Legislative Body - Nominations

Qualified voters of each district shall nominate candidates for the Legislative Body.

Section 4.33 - Legislative Body - Elections

Legislative Body members shall be elected by the qualified voters of the district. The person receiving the highest number of votes for the position in the district in which such member resides shall be declared duly elected.

Section 4.34 - Legislative Body - Districting ~~Committee~~

(1) Commencing with the 2010 census, within sixty days after each federal decennial census data is received from the State Redistricting Commission or its successor, a six (6) member Districting Committee, consisting of one (1) member from each Legislative District, shall be appointed by the Legislative Body. Members of the Districting Committee shall:

(a) Serve without salary but shall be compensated for reasonable out-of-pocket expenses.

(b) Meet within thirty days of its appointment to draw a redistricting plan for the county that shall be submitted to the Legislative Body for adoption following a public hearing.

(2) No later than eight months after receipt of the census data, the Legislative Body shall adopt a districting plan by ordinance.

Section 4.40 - Oath of Office

An oath or affirmation to support the Constitutions of the United States and the State of Washington and the Charter and ordinances of San Juan County and to perform faithfully, impartially, and honestly the duties of office, shall be made by each elected officer before entering upon the duties of office. (RCW36.16.040)

Section 4.50 - Official Bonds

A surety bond shall be required for all elected officers and such County employees as may be designated by ordinance. Bonds shall be in the form and amount required by ordinance and the cost borne by the County. See RCW 36.16.050 for schedule of bonds.

Section 4.60 - Vacancies in Office

(1) An elective office shall become vacant when one of the following occurs:

(a) Death;

(b) Total permanent incapacity as determined by a panel of three physicians;

(c) Resignation;

(d) Recall of the officer;

(e) A Legislative Body member absent from three (3) consecutive regular meetings of the Legislative Body without reasonable cause;

(f) Absence from the County for thirty (30) days without being excused by the Legislative Body; or

(g) Failure to maintain residence within the district from which elected.

(2) Vacancies in a non-partisan elected office shall be filled at the next November General Election, unless the vacancy occurs after the day for filing declarations for candidacy, in which case the vacancy shall be filled at the next succeeding November election. The person elected shall take office upon certification of the results of the election and shall serve the unexpired term of the vacated office. Until a successor has been elected and ~~certified~~ qualified, a majority of the Legislative Body shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications set in Section 4.20 of this Charter.

(3) Vacancies in partisan elected offices shall be filled pursuant to RCW 42.12.040.

Section 4.70 - Commencement of Terms of Office

~~The term of office of elected County officers shall commence on the second Monday of the next January immediately following the November general election.~~

Unless otherwise provided by this Charter the terms of office of elected county officials shall commence on the date specified by general law for public officers elected at general elections. (See RCW 29A.20.040)

ARTICLE 5 - THE PUBLIC INTEREST

Section 5.10 - Direct Government

The people of San Juan County reserve to themselves the power to make certain proposals, at their option, and to enact or reject them at the polls, independent of the Legislative Body in accordance with this Article.

Section 5.20 - Initiative

The people reserve to themselves the power of initiative. Any ordinance or amendment to an ordinance may be proposed by filing an initiative petition with the Auditor.

Section 5.21 - Initiative - Limitations

(1) No initiative shall contain more than one (1) issue.

(2) No initiative proposal requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

(3) Redistricting of the Legislative districts shall not be subject to the initiative process.

Section 5.22 – Initiative - Procedures

(1) Any legal voter or organization of legal voters of San Juan County may file an initiative proposal with the County Auditor, who within five (5) working days shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the initiative by giving the proposed initiative a number, which shall thereafter be the identifying number for the measure.

(2) The County 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 a concise statement, posed as a positive question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.

(3) The petitioner then has one-hundred-twenty (120) days to collect the signatures of the registered voters in the County equal in number to at least fifteen (15) percent of the votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title.

(4) The County 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 at least one hundred and twenty (120) days after the registering of the petition.

(5) The Legislative Body may choose to enact the proposal without change or amendment. If the Legislative Body 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.

(6) The voters shall be given the choice of accepting either or rejecting both. The voters 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.

Section 5.23 - Initiative - Amend or Repeal

No ordinance enacted by power of initiative shall be amended or repealed by the Legislative Body within two (2) years after enactment unless amended or repealed by a subsequent initiative or referendum.

Section 5.30 - Mini-Initiative

(1) Any ordinance or amendment to an existing ordinance may be proposed to the Legislative Body by registering with the County Auditor initiative petitions bearing the signatures of qualified voters equal in number to at least three (3) per cent of the number of votes cast in the County in the last gubernatorial election.

(2) Upon verifying the sufficiency of the signatures, the County Auditor shall transmit the initiative petition to the Legislative Body, which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within sixty (60) days.

Section 5.31 - Mini-Initiative - Failed Initiative
If the proponents of an initiative fail to obtain the required number of signatures in the designated period, but have sufficient signatures to qualify the proposal as a mini-initiative, the proposal, at the request of the proponents, shall be treated as a mini-initiative.

Section 5.40 - Referendum
(1) The people reserve for themselves the power of referendum.
(2) The referendum may be ordered on any ordinance, or any part thereof passed by the Legislative Body except such ordinances as may be necessary for the immediate preservation of the public peace, health or safety.
(3) Upon signature validation of a referendum petition, the measure passed by the Legislative Body will be rendered ineffective pending the outcome of the referendum procedure. The signature validation of a referendum petition against one or more items, sections or parts of any ordinance will not delay the remainder of the measure from taking effect.

Section 5.41 - Referendum - Procedures
(1) Any legal voter or organization of legal voters of San Juan County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the County Auditor within forty-five (45) days after the ordinance is passed by the Legislative Body.
(2) Within five (5) working days, the County Auditor shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the referendum by giving the referendum a proposal number, which shall thereafter be the identifying number for the measure.
(3) The County Auditor shall then transmit a copy of the proposal to the ~~County~~ Prosecuting Attorney, who within ten (10) days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.
(4) The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the measure being referred and the ballot title.
(5) The County Auditor shall verify the sufficiency of the signatures on the petition and if validated, submit the measure to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petitions.

Section 5.50 - Numbering System
The County Auditor, when assigning numbers to initiatives, referendums and mini-initiatives, shall use a separate sequential series for each category. No number shall be reissued once used.

Section 5.60 - Recall
The people further reserve the power of recall as provided in the Constitution and the laws of the State of Washington.

Section 5.70 - Implementation by Ordinance
The Legislative Body shall enact ordinances to promote the carrying out of the provisions of this Article.

ARTICLE 6 - FINANCIAL ADMINISTRATION

Section 6.10 - Presentation and Adoption of Budgets
(1) At least seventy-five (75) days prior to the end of each fiscal year, the County Administrator shall present to the Legislative Body a complete budget and budget message, proposed current expense and capital budget appropriation resolutions, and proposed tax and revenue resolutions necessary to raise sufficient revenues to balance the budget.
(2) At least fifteen (15) days prior to the end of the fiscal year, the Legislative Body shall adopt appropriation, tax and revenue resolutions for the next fiscal year.

Section 6.20 - Budget Information
At least one hundred thirty-five (135) days prior to the end of each fiscal year, all departments and agencies of County government shall submit to the County Administrator information necessary to prepare the budget, as requested by the County Administrator.

Section 6.30 - Contents of Budget
(1) The budget shall:
(a) Include all funds, revenues and reserves; be divided into categories, projects, and objects of expense and include supporting data deemed advisable by the County Administrator or required by ordinance;
(b) Indicate as to each category, project or object of expense, the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year;
(c) Include proposed capital improvement programs for the next six (6) the estimated fiscal years.
(2) The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues, surpluses and reserves.

Section 6.40 - Budget Message
The budget message shall explain the budget in fiscal terms and in terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the County.

Section 6.41 - Copies of the Budget
Copies of the budget and budget message shall be delivered to the County Auditor and each Legislative Body member. The budget message and supporting tables shall be furnished to any interested person upon request for a reasonable fee as established by ordinance and shall be available for public inspection from the time the budget message is delivered.

Section 6.50 - Budget Control
Within six (6) weeks following the end of each quarterly period during the fiscal year, and more often if required, the County Administrator shall submit to the Legislative Body, a written report showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the Legislative Body may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

Section 6.60 - Consideration and Adoption of the Budget
(1) Prior to the adoption of any appropriation ordinances for the next fiscal year, the Legislative Body shall hold public hearings to consider the budget presented by the County Administrator and shall hold any other public hearings on the budget or any part thereof that it deems advisable.
(2) The Legislative Body, in considering the appropriation ordinances by the County Administrator, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the County Administrator.
(3) The appropriation ordinances adopted by the Legislative Body shall not exceed the estimated revenues of the County for the next fiscal year for each fund including surpluses and reserves.
(4) The Legislative Body may increase the amount of the estimated revenues contained in the budget presented by the County Administrator by re-estimating the amount by passing a motion to that effect or by creating additional sources of

revenue which were not included in the proposed tax revenue ordinances presented by the County Administrator.

(5) Once the annual budget has been approved, the County Administrator shall need no further authorization to expend the funds appropriated.

Section 6.70 - Additional Appropriations

Additional funds may be appropriated by contingency or emergency appropriations.

Section 6.71 - Contingency Appropriations

The annual budget ordinance shall include contingency funds, which shall not be expended unless the County Administrator certifies in writing that sufficient funds are available and the Legislative Body adopts an additional appropriation ordinance after being requested to do so by the County Administrator.

Section 6.72 - Emergency Appropriations

The Legislative Body may adopt an emergency appropriation ordinance, which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget and funds from any other source available to the County in an emergency.

Section 6.73 - Additional Capital Budget Appropriations

The Legislative Body shall not adopt an additional or amended capital budget appropriation ordinance during the fiscal year unless requested to do so by the County Administrator.

ARTICLE 7 - PERSONNEL SYSTEM

Section 7.10 - Purpose

The Legislative Body shall, by ordinance, establish and maintain a personnel system for the County.

Section 7.20 - Exemptions

The provisions of this Article shall apply to all County positions except:

(a) Independent Contractors.

(b) All volunteer members of boards and commissions appointed by the Legislative Body or County Administrator.

(c) All elected County officers.

(d) Other ~~employees~~ persons as may become necessary as determined by the Legislative Body.

Section 7.30 - Administration

The County Administrator shall administer the personnel system of the County in accordance with the personnel rules adopted by the Legislative Body by ordinance.

Section 7.40 - Compensation

Compensation for County Elected Officials shall be commensurate with their duties and shall be set by a duly appointed Citizens' Salary Commission (RCW 36.17.024).

ARTICLE 8 - CHARTER REVIEW AND AMENDMENT

Section 8.10 - Charter Review Commission

As provided in this Article, this Charter shall be reviewed periodically by a Charter Review Commission (hereinafter referred to as the CRC).

Section 8.11 - Duties

The CRC shall review the Charter to determine its adequacy and suitability to the needs of the County and may propose amendments. The CRC may also make recommendations to the Legislative Body and publish its findings.

Section 8.20 - Election Procedures and Period of Office

(1) ~~Five (5) years after adoption of this Charter and at least every ten (10) years thereafter t~~The Legislative Body shall cause an election of a CRC in 2020 and at least every ten (10) years thereafter provided that the CRC election is held in an even numbered year.

(a) The CRC shall consist of fifteen to twenty-five (15-25) persons. The number of CRC members for each district shall be apportioned according to the population distribution in each Legislative Body district.

(b) Candidates for the CRC must be residents of the county and registered voters of the district in which they run ~~who~~ and have been ~~residents of~~ registered voters in the County for at least five (5) years preceding their election.

(c) There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot.

(d) The member of the CRC who receives the greatest number of votes shall convene the first CRC meeting.

(e) The term of office shall be the shorter of one (1) year or when final recommendations are submitted to the Legislative Body for referral to the voters.

(f) The CRC shall meet at such times and in such places as it deems appropriate upon having given public notice.

Section 8.21 - Vacancy

~~(1) If a CRC member is absent from three (3) consecutive meetings without prior notice being given to the Chair, a vacancy in that position may be declared by a two-thirds vote of the CRC.~~

~~(2) Any vacancy on the CRC shall be filled within fourteen (14) days of the declaration of a vacancy, by the next highest recipient of votes cast in the CRC election from the district where the vacancy occurs.~~

If any person elected to the CRC dies, resigns, or misses for consecutive regular meetings for any reason, that person shall have vacated his or her position, whereupon the CRC shall fill the position with the vote runner-up from the same district within fifteen days of that vacation, or the seat may be left vacant by a majority vote of the CRC.

Section 8.22 - Expenditures

(1) The Legislative Body shall provide to the CRC reasonable funds, facilities and services appropriate to an elected County agency. Provisions shall be made in the budget for the expenditures of the CRC during its scheduled term of office.

(2) Members of the CRC shall serve without salary, except that they shall be reimbursed for reasonable out-of-pocket expenses.

Section 8.30 - Charter Amendment - General Provisions

Charter amendments may be proposed by the CRC, the Legislative Body or by the public.

Section 8.31 - Charter Amendment - Procedures

(1) Any proposed Charter amendment shall be filed and registered with the County Auditor and submitted to the voters at the next November general election occurring at least ninety (90) days after registration of the proposed amendment with the County Auditor.

(2) In submitting any amendment of the Charter to the voters, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others. An amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

~~(3) If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that people may vote for or against the amendments separately; provided, an amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.~~

(3) ~~(4)~~ If a proposed amendment is approved by a majority of the voters voting on the issues, it shall be effective ten (10) days after the results of the election are certified, unless a later date is specified in the petition or ordinance proposing the amendment.

(4) ~~(5)~~ Any implementing ordinance required by any Charter amendment shall be enacted by the Legislative Body within

one hundred and eighty (180) days after the amendment is effective, unless the amendment provides otherwise.

Section 8.32 - Amendments by the Charter Review Commission

The CRC may propose amendments to the Charter by filing such proposed amendments with the Legislative Body who shall submit the amendments to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments.

Section 8.33 - Amendments by the Public

The public may propose amendments to the Charter by:

(a) Registering with the County Auditor an initiative petition bearing the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election.

(b) Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the County Auditor, who shall submit the amendments to the voters.

(i) 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.

(ii) 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.

Section 8.34 - Amendments by the Legislative Body

(1) The Legislative Body may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment.

(2) The Legislative Body by unanimous vote of the entire Legislative Body may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

Section 8.40 - Repeal of Charter

Any proposal to repeal this Charter shall include provisions for transition.

ARTICLE 9 - GENERAL PROVISIONS

Section 9.10 - Severability and Construction

The provisions of this Charter are severable. If any provision should be declared unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this Charter.

Section 9.20 - Purchasing, Contracts, Claims, and Bonds

(1) The Legislative Body shall establish, by ordinance, procedures for purchasing supplies, services, materials and equipment, the awarding of contracts, the processing of claims, and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

(2) All purchases, contracts and bonds subject to bid procedures shall be advertised and, unless all bids are rejected, shall be awarded on the basis of sealed bidding to the lowest responsible bidder.

Section 9.30 - Franchises

All franchises granted by the Legislative Body shall be for fixed term not to exceed twenty-five (25) years, and no exclusive franchise shall be granted for the use of any street, road or public place.

Section 9.40 - Public Disclosure

Public disclosure of financial interest of elected public officials shall be governed by general law.

Section 9.50 - Information Management

The County Administrator shall establish procedures for maintaining a modern, efficient system for processing, maintaining and disposing of information and records; shall maintain a means to store and maintain, in retrievable manner, all County records which should not be destroyed and which are not necessary for the current operation of County government; and shall provide needed services for all branches of County government in a way that shall be deemed desirable for the efficient operation of the County government. These procedures shall be in compliance with general law and shall affect all departments of the County, elective or appointed.

ARTICLE 10 - TRANSITION 2012 AMENDMENTS

The provisions of this Article relate to the implementation of the Charter amendments adopted in 2012, and where inconsistent with the foregoing Articles of the Charter, the provisions of this Article shall constitute exceptions.

Section 10.10 - Continuation of Ordinances and Vested Rights

All ordinances, administrative rules and resolutions in operation at the time these Charter amendments take effect, to the extent that they are not inconsistent with the amendments, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of these amendments shall not be affected by adoption of the amendments. The 2012 amendments to the County Charter are not intended to affect the existing contract between the County and the County Administrator.

Section 10.20 - Amendment Effective Date

Except as provided in this Article 10, all amendments to the Charter shall be effective upon certification of the November 2012 election.

Section 10.30 - Expiration

This Article 10 shall expire on January 1, 2017 and shall not appear in the publication of the Charter after that date.

San Juan County Council Member District 1

Bob Jarman

Elected Experience: Eight years as District 3 Fire Commissioner.

Other Professional Experience: 30 years with the local telephone company as a telephone technician, business office supervisor and area plant supervisor. Launched my own telecommunications business in 2008.

Education: High school, Palo Alto, Ca; Industrial Arts, Cal Poly Tech Institute; Business and Management training, Kansas State University.

Community Service: Have been involved in Kiwanis, Relay For Life, Dollars For Scholars, Witsend, San Juan Seniors Board, Golf Classic, San Juan County Fair, Community Theater.

Statement: As an experienced business man who has worked in both the public and private sectors, I can bring strong, decisive and practical solutions to problems facing our county government. As a Fire Commissioner for S.J. Co. Dist. 3, I committed the last eight years to working with my fellow commissioners, fire fighters, county and town leaders to provide excellent fire protection for our citizens while saving tax payer money and fostering a strong sense of community. I want to bring that same commitment to the County Council while addressing problems proactively, spending responsibly, and working to preserve property rights.

For more information:
(360) 378-2952
electbobjarman@gmail.com

San Juan County Council Member District 1

Lovel Pratt

Elected Experience: San Juan County (SJC) Council, District 1 (2009–present); Chair, SJC Council (2011).

Other Professional Experience: Appointed by Washington State Association of Counties to the: Legislative Steering Committee (2010–present), Cross Partnership Oil Spill Workgroup (2010–present), Oil Spill Rule Advisory Committee (2012–present). Previous professional experience includes developing affordable housing and supporting and promoting local agriculture.

Education: BA, Keene State College.

Community Service: SJC Planning Commissioner (1999–2008); former SJI District 3 volunteer firefighter; San Juan Public Schools Foundation volunteer.

Statement: It is an honor to represent District 1 on the SJC Council. I ask for your vote to continue to serve. I am dedicated, accessible, and responsive to constituent concerns. I encourage civil discourse and an inclusive public participation process. I work effectively on behalf of SJC at the local, regional, and state level.

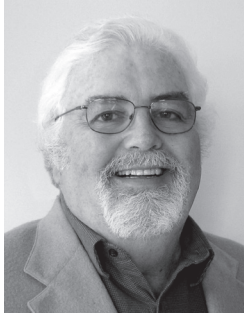
I am running for re-election to follow through on important issues, including: identifying and implementing a long-term, sustainable budget; resolving solid waste issues; securing funding for Cattle Point Road realignment; improving oil spill prevention and response; and addressing ferry transportation issues. Thank you for your vote!

For more information:
(360) 378-7172
reelectlovel@gmail.com
www.reelectlovel.com

Statements are printed as submitted. No spelling, grammatical or other corrections have been made. Candidates are solely responsible for content.

San Juan County Council Member District 3

Marc A. Forlenza



Elected Experience: No information submitted.

Other Professional Experience: 2005-Present: Owner of Technology Center Office Building, Friday Harbor. 1983-2003: Real Estate Investor and Restaurant Owner. 1975-1982: International Negotiation and Marketing Executive.

Education: University of Miami, FL. B.A.

Community Service: Chairman Derelict Vessel Committee. Qualified Spanish English Interpreter Superior Court Friday Harbor. Management Advisor for the Village at the Harbor Assisted Living Facility. Past Commander Friday Harbor Power Squadron and current Education Officer.

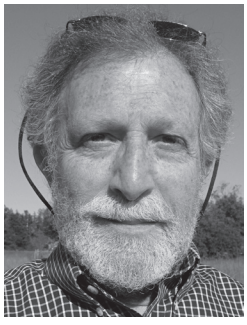
Statement: My background in negotiation, conflict resolution and business can bring a fresh approach to dealing with the Island's needs. Involved in community service since my arrival in 2004, I feel an obligation to: Help insure the long term economic viability of San Juan County. Diminish the polarization that has prevented timely resolutions of crucial issues facing our island residents.

Friday Harbor needs to actively pursue opportunities that offer long-term employment stability while protecting our environment and quality of life. Game changing internet technology initiatives can help propel Friday Harbor and our sister islands to a more secure and productive future.

For more information:
(360) 472-1644
getmarc@aol.com

San Juan County Council Member District 3

Howard (Howie) Rosenfeld



Elected Experience: County Councilmember 2007/present, Friday Harbor Councilmember 2000/2006.

Other Professional Experience: Town fire chief 1994/1998. Friday Harbor Art Studio 1994/present, Atelier Gallerie 1988/1994, scrimshaw artist, printmaker, picture framer 1969/present. Whale Museum Executive Director 1984/1987. Yacht deliveries and restoration 1971/1979. Epidemiologist U. S. Public Health Service 1963//68 and San Mateo County 1968/70.

Education: University of Connecticut BA 1963.

Community Service: Volunteer firefighter 1981/1994, Peace Corps malaria eradication Thailand 1965/67.

Statement: My experience from almost six years on Council, 32 years on San Juan Island and being a small retail business owner, is needed to help guide the County through major staff transitions and possible Charter changes.

I've developed excellent working relationships with our state representatives, especially with Washington State Ferries. I've worked hard on our Ferry Advisory Committee to protect and improve our ferry service. As a former Town Councilmember and fire chief I've represented the interests of Town residents. I will continue to protect our environment, especially our beloved orca, while keeping our economy healthy and our islands beautiful.

For more information:
(360) 378-5788
howie@howardrosenfeld.com

Statements are printed as submitted. No spelling, grammatical or other corrections have been made. Candidates are solely responsible for content.

San Juan County Council Member District 4

Scott Lancaster

Elected Experience: Elected twice to the Orcas Island School Board and have served for 7 years 1 as Chairman.

Other Professional Experience: Owner Ace-Orcas Island Hardware, Island Supply 12 years as VP/GM, member and past President of San Juan Builders Association.

Education: Mesa College and San Diego State University.

Community Service: 30 year member of Kiwanis past President and Lt Governor, married 24 years, have lived here 20 years and raised 2 "Island kids", 4-H, Thanks for the opportunity to serve.

Statement: The problems facing the new Council are daunting. My experience gives me the skill set to successfully take this on. Owning and managing businesses here for 20 years gives me unique perspective of how county actions affect a business, employees and the community. When I was elected to the School Board, the District was broke. My ability, over the years, to work with the other members will result in a very healthy reserve when I leave the board. I have had much interaction with the Building Department and have a good understanding of its problems. I'm up for the challenge!

For more information:
(360) 376-2065
orcasscott@hotmail.com

San Juan County Council Member District 4

Rick Hughes

Elected Experience: No information submitted.

Other Professional Experience: President–Ray's Pharmacy (Seven Years). ESPN.com–Sales/Ad Director (Nine Years). Media/Account Advertising Agency (Seven Years).

Education: Southern Methodist University, 1990. BBA-Marketing, Cox School of Business. BA-Advertising Meadows School of Arts. Minor in American History.

Community Service: San Juan County Drug-Take-Back creator. Orcas Island Cider Fest Creator. PTSA Roller Skating. Little League Rookie Coach. EWUA. EPRC. AG Guild. Orcas Island Farmers Market Association. Outward Bound Wilderness.

Statement: Our community is at a crossroads, but we need to be able to live together, even when we disagree. My pledge is to operate a fair, honest and transparent government, to work for better communications and interaction between county employees and the public.

I will focus on; Community, Sustainability, Infrastructure, Financial Responsibility and Economic Development. With over 20 years of business experience working with ESPN and Walt Disney to six years of operational experience running Ray's Pharmacy, I feel it is time to give back and help serve our communities progress. I serve on the OIFMA, EPRC, EWUA and PTSA.

For more information:
(360) 472-0253
rick@hughesfororcas.com
Hughesfororcas.com

Statements are printed as submitted. No spelling, grammatical or other corrections have been made. Candidates are solely responsible for content.

Orcas Island School District No. 137

Proposition No. 1

Concerns General Obligation Bonds

The Board of Directors of Orcas Island School District No. 137 adopted Resolution No. 2012-11 concerning this proposition for bonds. This proposition would authorize the District to renovate or replace existing buildings and to construct additional facilities, to issue $11,900,000 of general obligation bonds maturing within a maximum of twenty years, and to collect excess property taxes annually to repay the bonds, as provided in Resolution No. 2012-11.

Should this proposition be:

[ ] Approved
[ ] Rejected

Explanatory Statement

Prepared by Randall K. Gaylord,
San Juan County Prosecuting Attorney

The Board of Directors of the Orcas Island School District has identified the need to renovate or replace existing buildings and to construct additional facilities. The Board has selected the sale of general obligation bonds as the best way to proceed. Before the bonds may be issued, they must be approved by the voters of the School District.

The amount of authorization sought is $11,900,000. The maximum term is twenty years from the date of issue but may mature at earlier dates. The bonds may be sold in such amounts and at such time or times as deemed necessary and advisable by the Board. The final terms of the bonds will be fixed by a resolution of the Board after voter approval of the bonds.

The funds from the sale of the bonds may be used for cost of construction including planning, architectural, engineering and other consulting services, utilities, and will also include all necessary furniture, equipment and fixtures. None of the bond proceeds may be used for replacement of equipment or any other capital purpose.

A vote "approved" is a vote in favor of the proposition. A vote "rejected" is a vote against the proposition.

You are voting to Approve or Reject the proposed General Obligation Bonds for Orcas Island School District No. 137

Approved—you *favor* authorization of the issuance of the General Obligation bonds

Rejected—you *do not favor* authorization of the issuance of the General Obligation bonds

Statement For Proposition No. 1

In the spring of 2011, a group of Orcas Island building contractors and architecture professionals toured the OISD Middle School 1980s buildings. Seeing the need to substantially improve, or replace, these buildings, the group requested the school board to contract with Mahlum, a Seattle architectural firm specializing in schools. The scope of Mahlum's work was to review options that would utilize existing foundations and structures and determine at what cost the following issues could be resolved: the seismic evaluation, ADA compliance, education specifications, fire suppression/ fire walls, heating and ventilation, energy efficiency, interior and exterior wall systems and roofing. The group consistently expressed that future projects utilize long service life equipment and materials with minimal maintenance requirements.

The group met again in October 2011 to review the four options Mahlum presented. The bond measure before you represents the option that the group unanimously supported. In February of 2012 they gave a final report to the OISD school board, and stated their belief that the option before you is the option that will best serve our Orcas Island students, teachers, staff and community.

Please join us by voting *Yes* for this school bond.

Argument Prepared by

Orcas for Healthy Safe Schools:
Madie Murray
Clyde Duke
Velma Doty

For more information:
www.orcasforhealthysafeschools.com

Statement Against Proposition No. 1

No argument against submitted.

Orcas Island School District No. 137

Proposition No. 2

Concerns a two-year general technology capital projects levy

The Board of Directors of Orcas Island School District No. 137 adopted Resolution No. 2012-12 concerning a two-year technology modernization levy. The proposition authorizes the modernization of District facilities by implementing technology facilities and projects and the application and modernization of technology systems for operations and instruction; and authorizes the following excess levies for such purposes on all taxable property within the District:

Collection Years	Approximate Levy Rate/$1,000 Assessed Value	Levy Amount
2013	$0.06	$200,000
2014	$0.06	$200,000

all as provided in District Resolution No. 2012-12.

Should this proposition be approved?

[ ] Yes
[ ] No

You are voting Yes or No to authorize the technology capital projects levy for Orcas Island School District No. 137

Yes—you *favor* authorization of the technology capital projects levy

No—you *do not favor* authorization of the technology capital projects levy

Explanatory Statement

Prepared by Randall K. Gaylord,
San Juan County Prosecuting Attorney

The Board of Directors of the Orcas Island School District has determined that technology facilities are in need of modernization, improvements and expansion to meet the current and future educational needs for the student. The Board seeks voter approval of a Technology Capital Projects Levy for each of the next two years in the amount of $200,000 per year.

Technology facilities include acquiring hardware, software licenses, and on-line applications and training related to the installation for operations and educational instruction. The new equipment and applications may be available for students, teachers and staff.

If the levy is approved, taxable property within the District would be charged an estimated rate of six cents ($0.06) per $1,000 of assessed value for the two years of 2013 and 2014. The levy is expected to generate funding in the amount of $200,000 for each year of the levy.

A “yes” vote is a vote in favor of the proposition. A “no” vote is a vote against the proposition.

Statement For Proposition No. 2

Supporting a levy for technology in school supports the very future of our community and country. We can think of no better way that tax money can positively impact our future than by the education of our children. By supporting this levy you have the opportunity to decide exactly where your tax dollars will go. These funds will be used to upgrade and replace older, outdated equipment, and to provide support services and training for staff in using technology to improve student achievement.

Teachers and students use technology in everyday life to create, communicate, problem solve, plan, research and collaborate. Being tech savvy is a crucial requirement for most jobs today. In addition, good computer skills are a vital component of success in college. We need your support to improve the educational opportunities that we offer to our students and to help them stay competitive.

Please join us in supporting this levy.

Argument Prepared by

Greg White
Lek Thixton
Tony Howe

For more information:

No contact information submitted.

Statement Against Proposition No. 2

No argument against submitted.

Lopez Solid Waste Disposal District

Proposition No. 1

Concerns a one-year levy to fund solid waste disposal activities

The Governing Body of the Lopez Solid Waste Disposal District (Lopez Disposal District) adopted a resolution (No. 31-2012) concerning a one-year excess regular property tax for the district. This proposal would impose a regular property tax levy within the Lopez Disposal District in the amount of 9.514 cents per $1,000 of assessed valuation for one tax year–2013–for the purpose of funding operations and capital expenses of the Lopez Disposal District.

Shall this proposal be approved?

[ ] Yes
[ ] No

Explanatory Statement

Prepared by Randall K. Gaylord,
San Juan County Prosecuting Attorney

In 2012 the San Juan County Council modified the boundaries of the existing disposal district for the County and established a separate district for Lopez Island only—the Lopez Solid Waste Disposal District. The County Council by virtue of their office is the governing board. The operation of the district is led by a five-member Managing Board consisting of citizens of Lopez Island.

The Managing Board has proposed a balanced budget for the year 2013 that has been approved by the Governing Board. That budget includes as a source of revenue tipping fees based upon weight or volume and approximately $100,000 of tax revenue to be paid for with a one-year property tax levy, as allowed by law.

The Governing Board has adopted a resolution calling for an election to approve the one-year property tax measure. If adopted, property tax will increase by 9.514 cents per $1,000 of assessed value for taxes imposed in the year 2013. The County Assessor has estimated that this tax will generate approximately $100,000.

The revenue raised by this proposal must be used by the Lopez Solid Waste Disposal District for operations and capital expenses.

A sixty percent majority is needed to pass this proposal. A “yes” vote is a vote to approve the proposal; a “no” vote is a vote against the proposal.

You are voting Yes or No to authorize the excess property tax levy to fund the Lopez Solid Waste Disposal District

Yes—you *favor* imposition of the excess regular property tax levy

No—you *do not favor* imposition of the excess regular property tax levy

Statement For Proposition No. 1

In January 2013 the newly formed Lopez Solid Waste Disposal District will take over operation of waste disposal and recycling services on Lopez, managed by a 5-member volunteer board of Lopez residents. Immediate plans include an $8/can garbage disposal fee and *free* source-separated recycling. Recycling will be expanded to include e-waste, construction waste, composting and more as we move toward our goal of "Zero Waste."

A small island community like Lopez cannot fund such services with disposal fees alone. Our innovative Solid Waste program must be sustained with multiple sources of support, including volunteer labor to supplement paid staff and tax revenue. Proposition 1 is an essential part of the program; it will generate enough revenue to pay for approximately one-third of 2013 expenses. For a property assessed at $300,000, the additional tax for 2013 would be $28.54, offset by reduced user fees.

A well-managed solid waste program helps keep our beaches, roadsides, and water clean and enhances property values for all. *By voting for Proposition 1 you help keep our Lopez Dump and Take-It-Or-Leave-It operating under local control, and managed according to Lopez values.*

Argument Prepared by

Neil Hanson, Manager, Lopez Solid Waste Facility
Bill Clemens, 15-year Lopez resident
Sarah Eppenbach, Author;
Chair, Citizens for Lopez Solid Waste Levy

For more information:
sarah@epcodesign.com

Statement Against Proposition No. 1

No argument against submitted.

MyVote: easy online access to personalized voter information!

MyVote

register to vote | my voting information

Check out the Washington Secretary of State's Elections division website for information and services pertaining to elections and voting in Washington State.

For quick and easy access to your personal voting information vault:
Go to **www.myvote.wa.gov** and sign in with your name and date of birth, and follow the instructions.

You can also access the *MyVote* page from a link on the San Juan County website:
Go to **www.sanjuanco.com/elections**. Click on the *MyVote* graphic and follow the instructions.

From this web page you can:

- Register to vote (if you have a Washington State driver's license or State ID card) or download a paper mail-in voter registration form
- Confirm whether you are already registered to vote in Washington State
- Update your residential and mailing addresses
- Transfer your registration from one county to another county within Washington
- View the online voters' guide with the races and ballot measures specific to your ballot
- Download a replacement ballot if your original ballot has been lost or damaged
- Download a UOCAVA ballot and envelope if you are a military or overseas civilian voter
- Find the nearest ballot drop box to return your voted ballot packet postage free
- Find out whether your returned ballot has been received by the Elections office
- View your voting history
- Obtain contact information for the elected officials who represent you

vote!

Keep your voter registration information up to date!

Don't miss an election!

Help us keep your voter registration records current!

When you move be sure to notify the Elections office of your new address. It is critical in a vote-by-mail state that we have your correct mailing address in order to be sure you receive your ballot. It is equally critical that we have your current residential address in order to be sure you receive a ballot that includes all the issues and races for which you are entitled to vote.

★ ***If you have moved from one address to another within San Juan County,*** you can do one of the following: Fill out an online address change at www.myvote.wa.gov (sign in with your name and birthdate, then follow the instructions); fill out a mail-in voter registration form; call the Elections office at (360) 378-3357 and give your information over the phone; or mail, email, fax, or drop off an address change request to the Elections office.

★ ***If you have moved to San Juan County from another county within Washington State,*** either go to www.myvote.wa.gov (sign in with your name and birthdate, then follow the instructions for changing your address) or register as a new voter by submitting a mail-in voter registration form to the Elections office.

★ ***If you have moved to San Juan County from another state,*** you will need to register as a new voter. If you have a Washington driver's license or State ID card, you can register online at www.myvote.wa.gov. Sign in with your name and birthdate, then follow the instructions. Alternatively, you may complete a mail-in voter registration form and mail or bring it to the Elections office. Be sure to fill in all the boxes, including the qualifications questions at the top (i.e., citizenship) and the address where you were formerly registered (at the bottom of the form) so we can notify your previous state that you are now registered in Washington.

★ ***If you will be temporarily out of town or have an ongoing annual seasonal address (e.g., "snowbirds"),*** we can set up a temporary or ongoing seasonal address for you in our records so we can get your ballot to your current location. Just let us know the date range of your absence from San Juan County, whether it is a one-time or ongoing change, and the mailing address where you can receive your ballot.

★ ***College students:*** You can register to vote using either your hometown address or the address where you live now—whichever location you consider yourself to be a resident. If you choose to use your hometown address, your ballot can be mailed to you at school. You can update your mailing address online at www.myvote.wa.gov, or call or email us to provide your new mailing address: (360) 378-3357 or elections@sanjuanco.com.

Voter registration deadlines

The deadline for new registrations or county-to-county transfers submitted by mail or online is 29 days before an election.

Voters not currently registered in Washington State may register in person at the Elections office until 8 days before an election.

Complete Text

Initiative Measure 1185

AN ACT Relating to taxes and fees imposed by state government; amending RCW 43.135.034, 43.135.055, 43.135.031, and 43.135.041; creating new sections; and repealing 2010 c 4 s 2.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

INTENT

NEW SECTION. **Sec. 1.** This initiative should deter the governor and the legislature from sidestepping, suspending, or repealing any of Initiative 1053's policies which voters approved by a huge margin in 2010. The people insist that tax increases receive either two-thirds legislative approval or voter approval and fee increases receive a simple majority vote. These important policies ensure that taxpayers will be protected and that taking more of the people's money will always be an absolute last resort.

PROTECTING TAXPAYERS BY REQUIRING EITHER TWO-THIRDS LEGISLATIVE APPROVAL OR VOTER APPROVAL FOR THE LEGISLATURE TO RAISE TAXES

Sec. 2. RCW 43.135.034 and 2011 c 1 s 2 are each amended to read as follows:

(1)(a) ((~~After July 1, 1995, a~~)) Any action or combination of actions by the legislature that raises taxes may be taken only if approved by ((~~at least~~)) a two-thirds ((~~legislative approval~~)) vote in both the house of representatives and the senate. Pursuant to the referendum power set forth in Article II, section 1(b) of the state Constitution, tax increases may be referred to the voters for their approval or rejection at an election.

(b) For the purposes of this chapter, "raises taxes" means any action or combination of actions by the state legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

How do I read measure text?

Any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters.

((~~sample of text to be deleted~~))

Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters.

sample of text to be added

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on.....in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to: (a) The dedication or use of lottery revenues under RCW 67.70.240(3), in support of education or education expenditures; or (b) a transfer of moneys to, or an expenditure from, the budget stabilization account.

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift unless the shifted revenue had previously been shifted from the general fund.

~~(6) For the purposes of chapter, "raises taxes" means any action or combination of actions by the legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.~~

Sec. 3. 2010 c 4 s 2 is repealed.

PROTECTING TAXPAYERS BY REQUIRING FEE INCREASES RECEIVE A SIMPLE MAJORITY VOTE

Sec. 4. RCW 43.135.055 and 2011 c 1 s 5 are each amended to read as follows:

(1) A fee may only be imposed or increased in any fiscal year if approved with a simple majority ((~~legislative approval~~)) vote in both the house of representatives and the senate and must be subject to the accountability procedures required by RCW 43.135.031.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW, or to the forest products commission, if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

STATUTORY REFERENCE CORRECTIONS

Sec. 5. RCW 43.135.031 and 2010 c 1 s 2 are each amended to read as follows:

(1) For any bill introduced in either the house of representatives or the senate that raises taxes as defined by ((~~*RCW 43.135.035~~)) RCW 43.135.034 or increases fees, the office of financial management must expeditiously determine its cost to the taxpayers in its first ten years of imposition, must promptly and without delay report the results of its analysis by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. Any ten-year cost projection must include a year-by-year breakdown. For any bill containing more than one revenue source, a ten-year cost projection for each revenue source will be included along with the bill's total ten-year cost projection. The press release shall include the names of the legislators, and their contact information, who are sponsors and cosponsors of the bill so they can provide information to, and answer questions from, the public.

(2) Any time any legislative committee schedules a public hearing on a bill that raises taxes as defined by ((~~*RCW 43.135.035~~)) RCW 43.135.034 or increases fees, the office of financial management must promptly and without delay report the results of its most up-to-date analysis of the bill required by subsection (1) of this section and the date, time, and location of the hearing by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. The press release required by this subsection must include all the information required by subsection (1) of this section and the names of the legislators, and their contact information, who are members of the legislative committee conducting the hearing so they can provide information to, and answer questions from, the public.

(3) Each time a bill that raises taxes as defined by ((~~*RCW 43.135.035~~)) RCW 43.135.034 or increases fees is approved by any legislative committee or by at least a simple majority in either the house of representatives or the senate, the office of financial management must expeditiously reexamine and redetermine its ten-year cost projection due to amendment or other changes during the legislative process, must promptly and without delay report the results of its most up-to-date analysis by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. Any ten-year cost projection must include a year-by-year breakdown. For any bill containing more than one revenue source, a ten-year cost projection for each revenue source will be included along with the bill's total ten-year cost projection. The press release shall include the names of the legislators, and their contact information, and how they voted on the bill so they can provide information to, and answer questions from, the public.

(4) For the purposes of this section, "names of legislators, and their contact information" includes each legislator's position(senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office e-mail address.

(5) For the purposes of this section, "news media" means any member of the press or media organization, including newspapers, radio, and television, that signs up with the office of financial management to receive the public press releases by e-mail.

(6) For the purposes of this section, "the public" means any person, group, or organization that signs up with the office of financial management to receive the public press releases by e-mail.

Sec. 6. RCW 43.135.041 and 2010 c 4 s 3 are each amended to read as follows:

(1)(a) After July 1, 2011, if legislative action raising taxes as defined by ((~~*RCW 43.135.035~~)) RCW 43.135.034 is blocked from a public vote or is not referred to the people by a referendum petition found to be sufficient under RCW 29A.72.250, a measure for an advisory vote of the people is required and shall be placed on the next general election ballot under this chapter((~~1, Laws of 2008~~)).

(b) If legislative action raising taxes enacted after July 1, 2011, involves more than one revenue source, each tax being increased shall be subject to a separate measure for an advisory vote of the people under the requirements of this chapter((~~1, Laws of 2008~~)).

(2) No later than the first of August, the attorney general will send written notice to the secretary of state of any tax increase that is subject to an advisory vote of the people, under the provisions and exceptions provided by this chapter((~~1, Laws of 2008~~)). Within five days of receiving such written notice from the attorney general, the secretary of state will assign a serial number for a measure for an advisory vote of the people and transmit one copy of the measure bearing its serial number to the attorney general as required by RCW 29A.72.040, for any tax increase identified by the attorney general as needing an advisory vote of the people for that year's general election ballot. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this subsection.

(3) For the purposes of this section, "blocked from a public vote" includes adding an emergency clause to a bill increasing taxes, bonding or contractually obligating taxes, or otherwise preventing a referendum on a bill increasing taxes.

(4) If legislative action raising taxes is referred to the people by the legislature or is included in an initiative to the people found to be sufficient under RCW 29A.72.250, then the tax increase is exempt from an advisory vote of the people under this chapter((~~1, Laws of 2008~~)).

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 7.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MISCELLANEOUS

NEW SECTION. **Sec. 9.** This act is known and may be cited as "Save The 2/3's Vote For Tax Increases (Again) Act."

--- END ---

Complete Text

Initiative Measure 1240

AN ACT Relating to public charter schools; amending RCW 28A.150.010, 28A.315.005, and 41.05.011; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.40 RCW; adding a new

section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and adding a new chapter to Title 28A RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

PART 1
INTENT, PURPOSE, AND FINDINGS

NEW SECTION. **Sec. 101.** (1) The people of the state of Washington in enacting this initiative measure find:

(a) In accordance with Article IX, section 1 of the state Constitution, "it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex";

(b) All students deserve excellent educational opportunities and the highest quality standards of public education available;

(c) Many of our public schools are failing to address inequities in educational opportunities for all students, including academic achievement, drop-out rates, and other measures of educational success for students across all economic, racial, ethnic, geographic, and other groups;

(d) It is a priority of the people of the state of Washington to improve the quality of our public schools and the education and academic achievement of all students throughout our state;

(e) Forty-one states have public charter schools with many ranked higher in student performance than Washington's schools;

(f) Allowing public charter schools in Washington will give parents more options to find the best learning environment for their children;

(g) Public charter schools free teachers and principals from burdensome regulations that limit other public schools, giving them the flexibility to innovate and make decisions about staffing, curriculum, and learning opportunities to improve student achievement and outcomes;

(h) Public charter schools are designed to find solutions to problems that affect chronically underperforming schools and to better serve at-risk students who most need help;

(i) Public charter schools have cost-effectively improved student performance and academic achievement for students throughout the country, especially for students from the lowest-performing public schools;

(j) Public charter schools serving low-income, urban students often outperform traditional public schools in improving student outcomes and are closing the achievement gap for at-risk students;

(k) The Washington supreme court recently concluded, in *McLeary v. State*, that "The State has failed to meet its duty under Article IX, section 1 [to amply provide for the education of all children within its borders] by consistently providing school districts with a level of resources that falls short of the actual costs of the basic education program";

(l) The opportunity to provide education through public charter schools will create efficiencies in the use of the resources the state provides to school districts;

(m) Public charter schools, as authorized in chapter..., Laws of 2013 (this act), are "common schools" and part of the "general and uniform system of public schools" provided by the legislature as required by Article IX, section 2 of the state Constitution; and

(n) This initiative will:

(i) Allow a maximum of up to forty public charter schools to be established over a five-year period as independently managed public schools operated only by qualified nonprofit organizations approved by the state;

(ii) Require that teachers in public charter schools be held to the same certification requirements as teachers in other public schools;

(iii) Require that there will be annual performance reviews of public charter schools created under this measure, and that the performance of these schools be evaluated to determine whether additional public charter schools should be allowed;

(iv) Require that public charter schools be free and open to all students just like traditional public schools are, and that students be selected by lottery to ensure fairness if more students apply than a school can accommodate;

(v) Require that public charter schools be subject to the same academic standards as existing public schools;

(vi) Require public charter schools to be authorized and overseen by a state charter school commission, or by a local school board;

(vii) Require that public charter schools receive funding based on student enrollment just like existing public schools;

(viii) Allow public charter schools to be free from many regulations so that they have more flexibility to set curriculum and budgets, hire and fire teachers and staff, and offer more customized learning experiences for students; and

(ix) Give priority to opening public charter schools that serve at-risk student populations or students from low-performing public schools.

(2) Therefore, the people enact this initiative measure to authorize a limited number of public charter schools in the state of Washington, to be operated by qualified nonprofit organizations with strong accountability and oversight, and to evaluate the performance of these schools and potential benefits of new models for improving academic achievement for all students.

PART II

AUTHORIZING CHARTER SCHOOLS

NEW SECTION. **Sec. 201.** DEFINITIONS--CHARTER SCHOOLS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under section 222 of this act.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means an entity approved under section 209 of this act to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "public charter school" means a public school governed by a charter school board and operated according to the terms of a charter contract executed under this chapter and includes a new charter school and a conversion charter school.

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington charter school commission established in section 208 of this act.

(8) "Conversion charter school" means a charter school created by converting an existing noncharter public school in its entirety to a charter school under this chapter.

(9) "New charter school" means any charter school established under this chapter that is not a conversion charter school.

(10) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(11) "Student" means any child eligible under RCW 28A.225.160 to attend a public school in the state.

NEW SECTION. **Sec. 202.** LEGAL STATUS. A charter school established under this chapter:

(1) Is a public, common school open to all children free of charge;

(2) Is a public, common school offering any program or course of study that a noncharter public school may offer, including one or more of grades kindergarten through twelve;

(3) Is governed by a charter school board according to the terms of a renewable, five-year charter contract executed under section 216 of this act;

(4) Is a public school to which parents choose to send their children;

(5) Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.).

NEW SECTION. **Sec. 203.** CHARTER SCHOOL BOARDS--POWERS. (1) To carry out its duty to manage and operate the charter school and carry out the terms of its charter contract, a charter school board may:

(a) Hire, manage, and discharge any charter school employee in accordance with the terms of this chapter and that school's charter contract;

(b) Receive and disburse funds for the purposes of the charter school;

(c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services and including for the management and operation of the charter school to the same extent as other noncharter public schools, as long as the charter school board maintains oversight authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;

(d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or if the charter contract is revoked or not renewed;

(e) Issue secured and unsecured debt, including pledging, assigning, or encumbering its assets to be used as collateral for loans or extensions of credit to manage cash flow, improve operations, or finance the acquisition of real property or equipment: PROVIDED, That the public charter school may not pledge, assign, or encumber any public funds received or to be received pursuant to section 222 of this act. The debt is not a general, special, or moral obligation of the state, the charter school authorizer, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state or any political subdivision or agency of the state may be pledged for the payment of the debt;

(f) Solicit, accept, and administer for the benefit of the charter school and its students, gifts, grants, and donations from individuals or public or private entities, excluding from sectarian or religious organizations. Charter schools may not accept any gifts or donations the conditions of which violate this chapter or other state laws; and

(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements.

(2) A charter school board may not levy taxes or issue tax-backed bonds. A charter school board may not acquire property by eminent domain.

NEW SECTION. **Sec. 204.** CHARTER SCHOOLS--APPLICABILITY OF STATE LAWS. (1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) All charter schools must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide basic education, as provided in RCW 28A.150.210, including instruction in the essential academic learning requirements and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025: PROVIDED, That charter schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(i) Be subject to and comply with legislation enacted after the effective date of this section governing the operation and management of charter schools.

(3) Public charter schools must comply with all state statutes and rules made applicable to the charter school in the school's

charter contract and are subject to the specific state statutes and rules identified in subsection (2) of this section. Charter schools are not subject to and are exempt from all other state statutes and rules applicable to school districts and school district boards of directors, for the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs in order to improve student outcomes and academic achievement. Charter schools are exempt from all school district policies except policies made applicable in the school's charter contract.

(4) No charter school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in chapter..., Laws of 2013 (this act).

NEW SECTION. **Sec. 205.** ADMISSION AND ENROLLMENT OF STUDENTS. (1) A charter school may not limit admission on any basis other than age group, grade level, or capacity and must enroll all students who apply within these bases. A charter school is open to any student regardless of his or her location of residence.

(2) A charter school may not charge tuition, but may charge fees for participation in optional extracurricular events and activities in the same manner and to the same extent as do other public schools.

(3) A conversion charter school must provide sufficient capacity to enroll all students who wish to remain enrolled in the school after its conversion to a charter school, and may not displace students enrolled before the chartering process.

(4) If capacity is insufficient to enroll all students who apply to a charter school, the charter school must select students through a lottery to ensure fairness. However, a charter school must give an enrollment preference to siblings of already enrolled students.

(5) The capacity of a charter school must be determined annually by the charter school board in consultation with the charter authorizer and with consideration of the charter school's ability to facilitate the academic success of its students, achieve the objectives specified in the charter contract, and assure that its student enrollment does not exceed the capacity of its facility. An authorizer may not restrict the number of students a charter school may enroll.

(6) Nothing in this section prevents formation of a charter school whose mission is to offer a specialized learning environment and services for particular groups of students, such as at-risk students, students with disabilities, or students who pose such severe disciplinary problems that they warrant a specific educational program. Nothing in this section prevents formation of a charter school organized around a special emphasis, theme, or concept as stated in the school's application and charter contract.

NEW SECTION. **Sec. 206.** CHARTER SCHOOL STUDENTS. (1) School districts must provide information to parents and the general public about charter schools located within the district as an enrollment option for students.

(2) If a student who was previously enrolled in a charter school enrolls in another public school in the state, the student's new school must accept credits earned by the student in the charter school in the same manner and according to the same criteria that credits are accepted from other public schools.

(3) A charter school is eligible for state or district-sponsored interscholastic programs, awards, scholarships, or competitions to the same extent as other public schools.

NEW SECTION. **Sec. 207.** AUTHORIZERS. The following entities are eligible to be authorizers of charter schools:

(1) The Washington charter school commission established under section 208 of this act, for charter schools located anywhere in the state; and

(2) School district boards of directors that have been approved by the state board of education under section 209 of this act before authorizing a charter school, for charter schools located within the school district's own boundaries.

NEW SECTION. **Sec. 208.** WASHINGTON CHARTER SCHOOL COMMISSION. (1) The Washington charter school commission is established as an independent state agency whose mission is to authorize high quality public charter schools throughout the state, particularly schools designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools. The commission shall, through its management, supervision, and enforcement of the charter contracts, administer the portion of the public common school system consisting of the charter schools it authorizes as provided in this chapter, in the same manner as a school district board of directors, through its management, supervision, and enforcement of the charter contracts, and pursuant to applicable law, administers the charter schools it authorizes.

(2) The commission shall consist of nine members, no more than five of whom shall be members of the same political party. Three members shall be appointed by the governor; three members shall be appointed by the president of the senate; and three members shall be appointed by the speaker of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is a parent of a Washington public school student.

(3) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All members shall have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

(4) Members shall be appointed to four-year, staggered terms, with initial appointments from each of the appointing authorities consisting of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term. No member may serve more than two consecutive terms. Initial appointments must be made no later than ninety days after the effective date of this section.

(5) Whenever a vacancy on the commission exists, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

(6) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(7) Operational and staff support for the commission shall be provided by the office of the governor until the commission has sufficient resources to hire or contract for separate staff support, who shall reside within the office of the governor for administrative purposes only.

(8) Sections 209 and 212 of this act do not apply to the commission.

NEW SECTION. **Sec. 209.** AUTHORIZERS--APPROVAL. (1) The state board of education shall establish an annual application and approval process and timelines for entities seeking approval to be charter school authorizers. The initial process and timelines must be established no later than ninety days after the effective date of this section.

(2) At a minimum, each applicant must submit to the state board:

(a) The applicant's strategic vision for chartering;

(b) A plan to support the vision presented, including explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing;

(c) A draft or preliminary outline of the request for proposals that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;

(d) A draft of the performance framework that the applicant would, if approved as an authorizer, use to guide the establishment of a charter contract and for ongoing oversight and evaluation of charter schools;

(e) A draft of the applicant's proposed renewal, revocation, and nonrenewal processes, consistent with sections 219 and 220 of this act;

(f) A statement of assurance that the applicant seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of this chapter, and that if approved as an authorizer, the applicant will fully participate in any authorizer training provided or required by the state; and

(g) A statement of assurance that the applicant will provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures.

(3) The state board of education shall consider the merits of each application and make its decision within the timelines established by the board.

(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the entity. The initial term of an authorizing contract shall be six years. The authorizing contract must specify each approved entity's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering. No approved entity may commence charter authorizing without an authorizing contract in effect.

NEW SECTION. **Sec. 210.** AUTHORIZERS--POWERS AND DUTIES. (1) Authorizers are responsible for:

(a) Soliciting and evaluating charter applications;

(b) Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices;

(c) Denying weak or inadequate charter applications;

(d) Negotiating and executing sound charter contracts with each authorized charter school;

(e) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools including, without limitation, education and academic performance goals and student achievement; and

(f) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(2) An authorizer may delegate its responsibilities under this section to employees or contractors.

(3) All authorizers must develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in at least the following areas:

(a) Organizational capacity and infrastructure;

(b) Soliciting and evaluating charter applications;

(c) Performance contracting;

(d) Ongoing charter school oversight and evaluation; and

(e) Charter renewal decision making.

(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board, which includes:

(a) The authorizer's strategic vision for chartering and progress toward achieving that vision;

(b) The academic and financial performance of all operating charter schools overseen by the authorizer, including the progress of the charter schools based on the authorizer's performance framework;

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: Approved but not yet open, operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;

(d) The authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and

(e) The services purchased from the authorizer by the charter schools under its jurisdiction under section 211 of this act, including an itemized accounting of the actual costs of these services.

(5) Neither an authorizer, individuals who comprise the membership of an authorizer in their official capacity, nor the employees of an authorizer are liable for acts or omissions of a charter school they authorize.

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer.

NEW SECTION. **Sec. 211.** AUTHORIZERS--FUNDING. (1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which shall be calculated as a percentage of the state operating funding allocated under section 222 of this act to each charter school under the jurisdiction of an authorizer, but may not exceed four percent of each charter school's annual funding. The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's allocation under section 222 of this act and transmit the fee to the appropriate authorizer.

(2) The state board of education may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold, such as after a certain number of years of authorizing or after a certain number of charter schools have been authorized.

(3) An authorizer must use its oversight fee exclusively for the purpose of fulfilling its duties under section 210 of this act.

(4) An authorizer may provide contracted, fee-based services to charter schools under its jurisdiction that are in addition to the oversight duties under section 210 of this act. An authorizer may not charge more than market rates for the contracted services provided. A charter school may not be required to purchase contracted services from an authorizer. Fees collected by the authorizer under this subsection must be separately accounted for and reported annually to the state board of education.

NEW SECTION. **Sec. 212.** AUTHORIZERS--OVERSIGHT. (1) The state board of education is responsible for overseeing the performance and effectiveness of all authorizers approved under section 209 of this act.

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, or other objective circumstances may trigger a special review by the state board of education.

(3) In reviewing or evaluating the performance of authorizers, the board must apply nationally recognized

principles and standards for quality charter authorizing. Evidence of material or persistent failure by an authorizer to carry out its duties in accordance with the principles and standards constitutes grounds for revocation of the authorizing contract by the state board, as provided under this section.

(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under section 210 of this act, the board must notify the authorizer in writing of the identified problems, and the authorizer shall have reasonable opportunity to respond and remedy the problems.

(5) If an authorizer persists after due notice from the state board of education in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

(6) In the event of revocation of any authorizer's chartering authority, the state board of education shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term.

(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer.

NEW SECTION. **Sec. 213.** CHARTER APPLICATIONS--CONTENT. (1)(a) Each authorizer must annually issue and broadly publicize a request for proposals for charter school applicants by the date established by the state board of education under section 214 of this act.

(b) Each authorizer's request for proposals must:

(i) Present the authorizer's strategic vision for chartering, including a clear statement of any preferences the authorizer wishes to grant to applications that employ proven methods for educating at-risk students or students with special needs;

(ii) Include or otherwise direct applicants to the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with section 217 of this act;

(iii) Provide the criteria that will guide the authorizer's decision to approve or deny a charter application; and

(iv) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

(2) A charter school application must provide or describe thoroughly all of the following elements of the proposed school plan:

(a) An executive summary;

(b) The mission and vision of the proposed charter school, including identification of the targeted student population and the community the school hopes to serve;

(c) The location or geographic area proposed for the school and the school district within which the school will be located;

(d) The grades to be served each year for the full term of the charter contract;

(e) Minimum, planned, and maximum enrollment per grade per year for the term of the charter contract;

(f) Evidence of need and parent and community support for the proposed charter school;

(g) Background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team;

(h) The school's proposed calendar and sample daily schedule;

(i) A description of the academic program aligned with state standards;

(j) A description of the school's proposed instructional design, including the type of learning environment; class size and structure; curriculum overview; and teaching methods;

(k) Evidence that the educational program is based on proven methods;

(l) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer in accordance with section 217 of this act;

(m) The school's plans for identifying, successfully serving, and complying with applicable laws and regulations regarding students with disabilities, students who are limited English proficient, students who are struggling academically, and highly capable students;

(n) A description of cocurricular or extracurricular programs and how they will be funded and delivered;

(o) Plans and timelines for student recruitment and enrollment, including targeted plans for recruiting at-risk students and including lottery procedures;

(p) The school's student discipline policies, including for special education students;

(q) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(r) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

(s) A staffing plan for the school's first year and for the term of the charter;

(t) Plans for recruiting and developing school leadership and staff;

(u) The school's leadership and teacher employment policies, including performance evaluation plans;

(v) Proposed governing bylaws;

(w) An explanation of proposed partnership agreement, if any, between a charter school and its school district focused on facilities, budgets, taking best practices to scale, and other items;

(x) Explanations of any other partnerships or contractual relationships central to the school's operations or mission;

(y) Plans for providing transportation, food service, and all other significant operational or ancillary services;

(z) Opportunities and expectations for parent involvement;

(aa) A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

(bb) A description of the school's financial plan and policies, including financial controls and audit requirements;

(cc) A description of the insurance coverage the school will obtain;

(dd) Start-up and five-year cash flow projections and budgets with clearly stated assumptions;

(ee) Evidence of anticipated fundraising contributions, if claimed in the application; and

(ff) A sound facilities plan, including backup or contingency plans if appropriate.

(3) In the case of an application to establish a conversion charter school, the applicant must also demonstrate support for the proposed conversion by a petition signed by a majority of teachers assigned to the school or a petition signed by a majority of parents of students in the school.

(4) In the case of an application where the proposed charter school intends to contract with a nonprofit education service provider for substantial educational services, management services, or both, the applicant must:

(a) Provide evidence of the nonprofit education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable;

(b) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and timelines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract; and

(c) Disclose and explain any existing or potential conflicts of interest between the charter school board and proposed service provider or any affiliated business entities.

(5) In the case of an application from an applicant that operates one or more schools in any state or nation, the applicant must provide evidence of past performance, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

(6) Applicants may submit a proposal for a particular public charter school to no more than one authorizer at a time.

NEW SECTION. **Sec. 214.** CHARTER APPLICATIONS--DECISION PROCESS. (1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial, which must be followed by all authorizers.

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations: PROVIDED, That nothing in this chapter may be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff, to learn about and provide input on each application.

(3) In deciding whether to approve an application, authorizers must:

(a) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful public charter school;

(b) Base decisions on documented evidence collected through the application review process;

(c) Follow charter-granting policies and practices that are transparent and based on merit; and

(d) Avoid any conflicts of interest whether real or apparent.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(5) For any denial of an application, the authorizer shall clearly state in writing its reasons for denial. A denied applicant may subsequently reapply to that authorizer or apply to another authorizer in the state.

NEW SECTION. **Sec. 215.** NUMBER OF CHARTER SCHOOLS. (1) A maximum of forty public charter schools may be established under this chapter, over a five-year period. No more than eight charter schools may be established in any single year during the five-year period, except that if in any single year fewer than eight charter schools are established, then additional charter schools equal in number to the difference between the number established in that year and eight may be established in subsequent years during the five-year period.

(2) To ensure compliance with the limits for establishing new charter schools, certification from the state board of education must be obtained before final authorization of a charter school. Within ten days of taking action to approve or deny an application under section 214 of this act, an authorizer must submit a report of the action to the applicant and to the state board of education, which must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements and application elements under sections 213 and 214 of this act. The authorizer must also indicate whether the charter school is designed to enroll and serve at-risk student populations. The state board of education must establish, for each year in which charter schools may be authorized as part of the timeline to be established pursuant to section 214 of this act, the last date by which the authorizer must submit the report. The state board of education must send notice of the date to each authorizer no later than six months before the date.

(3) Upon the receipt of notice from an authorizer that a charter school has been approved, the state board of education shall certify whether the approval is in compliance with the limits on the maximum number of charters allowed under subsection (1) of this section. If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.

(4) The state board of education must notify authorizers when the maximum allowable number of charter schools has been reached.

NEW SECTION. **Sec. 216.** CHARTER CONTRACTS. (1) The purposes of the charter application submitted under section 213 of this act are to present the proposed charter school's academic and operational vision and plans and to demonstrate and provide the authorizer a clear basis for the applicant's capacities to execute the proposed vision and plans. An approved charter application does not serve as the school's charter contract.

(2) Within ninety days of approval of a charter application, the authorizer and the governing board of the approved charter school must execute a charter contract by which, fundamentally, the public charter school agrees to provide educational services that at a minimum meet basic education standards in return for an allocation of public funds to be used for such purpose all as set forth in this and other applicable statutes and in the charter contract. The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be judged and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter

contract must include but need not be limited to applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(3) The charter contract must be signed by the president of the school district board of directors if the school district board of directors is the authorizer or the chair of the commission if the commission is the authorizer and by the president of the charter school board. Within ten days of executing a charter contract, the authorizer must submit to the state board of education written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

(4) A charter contract may govern one or more charter schools to the extent approved by the authorizer. A single charter school board may hold one or more charter contracts. However, each charter school that is part of a charter contract must be separate and distinct from any others and, for purposes of calculating the maximum number of charter schools that may be established under this chapter, each charter school must be considered a single charter school regardless of how many charter schools are governed under a particular charter contract.

(5) An initial charter contract must be granted for a term of five operating years. The contract term must commence on the charter school's first day of operation. An approved charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one school year, the school must request an extension from its authorizer. The authorizer may grant or deny the extension depending on the school's circumstances.

(6) Authorizers may establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools and ensure that they are prepared to open smoothly on the date agreed, and to ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.

(7) No charter school may commence operations without a charter contract executed in accordance with this section.

NEW SECTION. **Sec. 217.** CHARTER CONTRACTS--PERFORMANCE FRAMEWORK. (1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide an authorizer's evaluations of each charter school.

(2) At a minimum, the performance framework must include indicators, measures, and metrics for:

(a) Student academic proficiency;

(b) Student academic growth;

(c) Achievement gaps in both proficiency and growth between major student subgroups;

(d) Attendance;

(e) Recurrent enrollment from year to year;

(f) Graduation rates and postsecondary readiness, for high schools;

(g) Financial performance and sustainability; and

(h) Board performance and stewardship, including compliance with all applicable laws, rules, and terms of the charter contract.

(3) Annual performance targets must be set by each charter school in conjunction with its authorizer and must be designed to help each school meet applicable federal, state, and authorizer expectations.

(4) The authorizer and charter school may also include additional rigorous, valid, and reliable indicators in the performance framework to augment external evaluations of the charter school's performance.

(5) The performance framework must require the disaggregation of all student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(6) Multiple schools operating under a single charter contract or overseen by a single charter school board must report their performance as separate schools, and each school shall be held independently accountable for its performance.

NEW SECTION. **Sec. 218.** CHARTER CONTRACTS--OVERSIGHT. (1) Each authorizer must continually monitor the performance and legal compliance of the charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) In the event that a charter school's performance or legal compliance appears unsatisfactory, the authorizer must promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation in which case the revocation procedures under section 220 of this act apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. Such actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame.

NEW SECTION. **Sec. 219.** CHARTER CONTRACTS--RENEWAL. (1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms, although the authorizer may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to that charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, which shall be based on the performance framework

set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

(a) Ground its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for its decision.

NEW SECTION. **Sec. 220.** CHARTER CONTRACTS--NONRENEWAL OR REVOCATION. (1) A charter contract may be revoked at any time or not renewed if the authorizer determines that the charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) A charter contract may not be renewed if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the accountability index developed by the state board of education under RCW 28A.657.110, unless the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.

(3) Each authorizer must develop revocation and nonrenewal processes that:

(a) Provide the charter school board with a timely notification of the prospect of and reasons for revocation or nonrenewal;

(b) Allow the charter school board a reasonable amount of time in which to prepare a response;

(c) Provide the charter school board with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at a recorded public proceeding held for that purpose;

(d) Allow the charter school board to be represented by counsel and to call witnesses on its behalf; and

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school board.

(4) If an authorizer revokes or does not renew a charter, the authorizer must clearly state in a resolution the reasons for the revocation or nonrenewal.

(5) Within ten days of taking action to renew, not renew, or revoke a charter contract, an authorizer must submit a report of the action to the applicant and to the state board of education, which must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements established by the authorizer under this section.

NEW SECTION. **Sec. 221.** CHARTER SCHOOL TERMINATION OR DISSOLUTION. (1) Before making a decision to not renew or to revoke a charter contract, authorizers must develop a charter school termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer.

(2) In the event that the nonprofit corporation applicant of a charter school should dissolve for any reason including, without limitation, because of the termination of the charter contract, the public school funds of the charter school that have been provided pursuant to section 222 of this act must be returned to the state or local account from which the public funds originated. If the charter school has comingled the funds, the funds must be returned in proportion to the proportion of those funds received by the charter school from the public accounts in the last year preceding the dissolution. The dissolution of an applicant nonprofit corporation shall otherwise proceed as provided by law.

(3) A charter contract may not be transferred from one authorizer to another or from one charter school applicant to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students.

NEW SECTION. **Sec. 222.** FUNDING. (1) Charter schools must report student enrollment in the same manner and based on the same definitions of enrolled students and annual average full-time equivalent enrollment as other public schools. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is allocated based on student characteristics.

(2) According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual full-time equivalent enrollment. Categorical funding must be allocated to a charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the charter contract. A charter school is eligible to apply for state grants on the same basis as a school district.

(3) Allocations for pupil transportation must be calculated on a per student basis based on the allocation for the previous school year to the school district in which the charter school is located. A charter school may enter into a contract with a school district or other public or private entity to provide transportation for the students of the school.

(4) Amounts payable to a charter school under this section in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts paid in the first year of operation to the amounts that would have been paid based on actual student enrollment and make adjustments to the charter school's allocations over the course of the second year of operation.

(5) For charter schools authorized by a school district board of directors, allocations to a charter school that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy planning, budgets, and funding distribution in the same manner as other public schools in the district.

(6) Conversion charter schools are eligible for local levy moneys approved by the voters before the conversion start-up date of the school as determined by the authorizer, and the school district must allocate levy moneys to a conversion charter school.

(7) New charter schools are not eligible for local levy moneys approved by the voters before the start-up date of the school unless the local school district is the authorizer.

(8) For levies submitted to voters after the start-up date of a charter school authorized under this chapter, the charter school must be included in levy planning, budgets, and funding distribution in the same manner as other public schools in the district.

(9) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of any budget year shall remain in the school's accounts for use by the school during subsequent budget years.

NEW SECTION. **Sec. 223.** FACILITIES. (1) Charter schools are eligible for state matching funds for common school construction.

(2) A charter school has a right of first refusal to purchase or lease at or below fair market value a closed public school facility or property or unused portions of a public school facility or property located in a school district from which it draws its students if the school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120.

(3) A charter school may negotiate and contract with a school district, the governing body of a public college or university, or any other public or private entity for the use of a facility for a school building at or below fair market rent.

(4) Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

(5) A conversion charter school as part of the consideration for providing educational services under the charter contract may continue to use its existing facility without paying rent to the school district that owns the facility. The district remains responsible for major repairs and safety upgrades that may be required for the continued use of the facility as a public school. The charter school is responsible for routine maintenance of the facility including, but not limited to, cleaning, painting, gardening, and landscaping. The charter contract of a conversion charter school using existing facilities that are owned by its school district must include reasonable and customary terms regarding the use of the existing facility that are binding upon the school district.

NEW SECTION. **Sec. 224.** YEARS OF SERVICE. Years of service in a charter school by certificated instructional staff shall be included in the years of service calculation for purposes of the statewide salary allocation schedule under RCW 28A.150.410. This section does not require a charter school to pay a particular salary to its staff while the staff is employed by the charter school.

NEW SECTION. **Sec. 225.** ANNUAL REPORTS. (1) By December 1st of each year beginning in the first year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, must issue an annual report on the state's charter schools for the preceding school year to the governor, the legislature, and the public at-large.

(2) The annual report must be based on the reports submitted by each authorizer as well as any additional relevant data compiled by the board. The report must include a comparison of the performance of charter school students with the performance of academically, ethnically, and economically comparable groups of students in noncharter public schools. In addition, the annual report must include the state board of education's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this chapter, including the board's assessment of the sufficiency of funding for charter schools, the efficacy of the formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

(3) Together with the issuance of the annual report following the fifth year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, shall submit a recommendation regarding whether or not the legislature should authorize the establishment of additional public charter schools.

PART III

GENERAL PROVISIONS

Sec. 301. RCW 28A.150.010 and 1969 ex.s. c 223 s 28A.01.055 are each amended to read as follows:

Public schools ((~~shall~~)) means the common schools as referred to in Article IX of the state Constitution, including charter schools established under chapter 28A.--- RCW (the new chapter created in section 401 of this act), and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

Sec. 302. RCW 28A.315.005 and 1999 c 315 s 1 are each amended to read as follows:

(1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the Washington charter school commission, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

NEW SECTION. **Sec. 303.** A new section is added to chapter 41.32 RCW to read as follows:

This section designates charter schools established under chapter 28A.-- RCW (the new chapter created in section 401 of this act) as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

NEW SECTION. **Sec. 304.** A new section is added to chapter 41.35 RCW to read as follows:

This section designates charter schools established under chapter 28A.-- RCW (the new chapter created in section 401 of this act) as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

NEW SECTION. **Sec. 305.** A new section is added to chapter 41.40 RCW to read as follows:

This section designates charter schools established under chapter 28A.-- RCW (the new chapter created in section 401 of this act) as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 306. RCW 41.05.011 and 2012 c 87 s 22 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055.

(3) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) "Employee" includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (a) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); ((~~and~~)) (e) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a charter school established under chapter 28A.--- RCW (the new chapter created in section 401 of this act). "Employee" does not include: Adult family homeowners; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(7) "Employer" means the state of Washington.

(8) "Employing agency" means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, school district, educational service district, or other political subdivision; charter school; and a tribal government covered by this chapter.

(9) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(10) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(11) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(12) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(13) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(14) "Plan year" means the time period established by the authority.

(15) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(16) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district ((~~or~~)), educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district ((~~or~~)), educational service district, or charter school due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(17) "Salary" means a state employee's monthly salary or wages.

(18) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(19) "Seasonal employee" means an employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(20) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees'

retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(21) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(22) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

NEW SECTION. **Sec. 307.** A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to any charter school established under chapter 28A.--- RCW (the new chapter created in section 401 of this act). Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter 28A.--- RCW (the new chapter created in section 401 of this act) is a separate employer from any school district, including the school district in which it is located.

NEW SECTION. **Sec. 308.** A new section is added to chapter 41.59 RCW to read as follows:

This chapter applies to any charter school established under chapter 28A.--- RCW (the new chapter created in section 401 of this act). Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter 28A.--- RCW (the new chapter created in section 401 of this act) is a separate employer from any school district, including the school district in which it is located.

PART IV
MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 401.** Sections 101 and 201 through 225 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec. 402.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

--- END ---

Complete Text

Referendum Measure 74

AN ACT Relating to providing equal protection for all families in Washington by creating equality in civil marriage and changing the domestic partnership laws, while protecting religious freedom; amending RCW 26.04.010, 26.04.020, 26.04.050, 26.04.060, 26.04.070, 26.60.010, 26.60.030, 26.60.090, and 1.12.080; adding new sections to chapter 26.04 RCW; adding a new section to chapter 26.60 RCW; adding a new section to chapter 26.33 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; and providing a contingent effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 26.04.010 and 1998 c 1 s 3 are each amended to read as follows:

(1) Marriage is a civil contract between ((~~a male and a female~~)) two persons who have each attained the age of eighteen years, and who are otherwise capable.

(2) Every marriage entered into in which either ((~~the husband or the wife~~)) person has not attained the age of seventeen years is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity.

(3) Where necessary to implement the rights and responsibilities of spouses under the law, gender specific terms such as husband and wife used in any statute, rule, or other law must be construed to be gender neutral and applicable to spouses of the same sex.

(4) No regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any religious organization is required to solemnize or recognize any marriage. A regularly licensed or ordained minister or priest, imam, rabbi, or similar official of any religious organization shall be immune from any civil claim or cause of action based on a refusal to solemnize or recognize any marriage under this section. No state agency or local government may base a decision to penalize, withhold benefits from, or refuse to contract with any religious organization on the refusal of a person associated with such religious organization to solemnize or recognize a marriage under this section.

(5) No religious organization is required to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage.

(6) A religious organization shall be immune from any civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW, based on its refusal to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage.

(7) For purposes of this section:

(a) "Recognize" means to provide religious-based services that:

(i) Are delivered by a religious organization, or by an individual who is managed, supervised, or directed by a religious organization; and

(ii) Are designed for married couples or couples engaged to marry and are directly related to solemnizing, celebrating, strengthening, or promoting a marriage, such as religious counseling programs, courses, retreats, and workshops; and

(b) "Religious organization" includes, but is not limited to, churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

Sec. 2. RCW 26.04.020 and 1998 c 1 s 4 are each amended to read as follows:

(1) Marriages in the following cases are prohibited:

(a) When either party thereto has a ((~~wife or husband~~)) spouse or registered domestic partner living at the time of such marriage, unless the registered domestic partner is the other party to the marriage; or

(b) When the ((~~husband and wife~~)) spouses are nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law((~~; or~~

~~(c) When the parties are persons other than a male and a female~~)).

(2) It is unlawful for any ((~~man to marry his father's sister, mother's sister, daughter, sister, son's daughter, daughter's~~

~~daughter, brother's daughter or sister's daughter; it is unlawful for any woman to marry her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son or sister's son~~)) person to marry his or her sibling, child, grandchild, aunt, uncle, niece, or nephew.

(3) A marriage between two persons that is recognized as valid in another jurisdiction is valid in this state only if the marriage is not prohibited or made unlawful under subsection (1)(a)((~~, (1)(c),~~)) or (2) of this section.

(4) A legal union, other than a marriage, between two individuals that was validly formed in another state or jurisdiction and that provides substantially the same rights, benefits, and responsibilities as a marriage, does not prohibit those same two individuals from obtaining a marriage license in Washington.

(5) No state agency or local government may base a decision to penalize, withhold benefits from, license, or refuse to contract with any religious organization based on the opposition to or refusal to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage.

(6) No religiously affiliated educational institution shall be required to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage, including a use of any campus chapel or church. A religiously affiliated educational institution shall be immune from a civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW, based on its refusal to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage under this subsection shall be immune for civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW.

NEW SECTION. **Sec. 3.** "Religious organization" as defined in this chapter must be interpreted liberally to include faith-based social service organizations involved in social services directed at the larger community.

Sec. 4. RCW 26.04.050 and 2007 c 29 s 1 are each amended to read as follows:

The following named officers and persons, active or retired, are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, supreme court commissioners, court of appeals commissioners, superior court commissioners, any regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any ((~~church or~~)) religious ((~~denomination~~)) organization, and judges of courts of limited jurisdiction as defined in RCW 3.02.010.

Sec. 5. RCW 26.04.060 and 1975-'76 2nd ex.s. c 42 s 25 are each amended to read as follows:

A marriage solemnized before any person professing to be a minister or a priest ((~~of any~~)), imam, rabbi, or similar official of any religious ((~~denomination~~)) organization in this state or professing to be an authorized officer thereof, is not void, nor shall the validity thereof be in any way affected on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 6. RCW 26.04.070 and Code 1881 s 2383 are each amended to read as follows:

In the solemnization of marriage no particular form is required, except that the parties thereto shall assent or declare in the presence of the minister, priest, imam, rabbi, or similar official of any religious organization, or judicial officer solemnizing the same, and in the presence of at least two attending witnesses, that they take each other to be ((~~husband and wife~~)) spouses.

NEW SECTION. **Sec. 7.** A new section is added to chapter 26.04 RCW to read as follows:

For purposes of this chapter, "religious organization" includes, but is not limited to, churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

Sec. 8. RCW 26.60.010 and 2007 c 156 s 1 are each amended to read as follows:

Many Washingtonians are in intimate, committed, and exclusive relationships with another person to whom they are not legally married. These relationships are important to the individuals involved and their families; they also benefit the public by providing a private source of mutual support for the financial, physical, and emotional health of those individuals and their families. The public has an interest in providing a legal framework for such mutually supportive relationships, whether the partners are of the same or different sexes, and irrespective of their sexual orientation.

((~~The legislature finds that same sex couples, because they cannot marry in this state, do not automatically have the same access that married couples have to certain rights and benefits, such as those associated with hospital visitation, health care decision-making, organ donation decisions, and other issues related to illness, incapacity, and death. Although many of these rights and benefits may be secured by private agreement, doing so often is costly and complex.~~))

The legislature ((~~also~~)) finds that the public interest would be served by extending rights and benefits to ((~~different sex~~)) couples in which either or both of the partners ((~~is~~)) are at least sixty-two years of age. While these couples are entitled to marry under the state's marriage statutes, some social security and pension laws nevertheless make it impractical for these couples to marry. For this reason, chapter 156, Laws of 2007 specifically allows couples to enter into a state registered domestic partnership if one of the persons is at least sixty-two years of age, the age at which many people choose to retire and are eligible to begin collecting social security and pension benefits.

The rights granted to state registered domestic partners in chapter 156, Laws of 2007 will further Washington's interest in promoting family relationships and protecting family members during life crises. Chapter 156, Laws of 2007 does not affect marriage or any other ways in which legal rights and responsibilities between two adults may be created, recognized, or given effect in Washington.

Sec. 9. RCW 26.60.030 and 2007 c 156 s 4 are each amended to read as follows:

To enter into a state registered domestic partnership the two persons involved must meet the following requirements:

(1) Both persons share a common residence;

(2) Both persons are at least eighteen years of age and at least one of the persons is sixty-two years of age or older;

(3) Neither person is married to someone other than the party to the domestic partnership and neither person is in a state registered domestic partnership with another person;

(4) Both persons are capable of consenting to the domestic partnership; and

(5) Both of the following are true:

(a) The persons are not nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; and

(b) Neither person is a sibling, child, grandchild, aunt, uncle, niece, or nephew to the other person((~~; and~~

~~(6) Either (a) both persons are members of the same sex; or (b) at least one of the persons is sixty-two years of age or older~~)).

NEW SECTION. **Sec. 10.** A new section is added to chapter 26.60 RCW to read as follows:

(1) Partners in a state registered domestic partnership may apply and receive a marriage license and have such marriage solemnized pursuant to chapter 26.04 RCW, so long as the parties are otherwise eligible to marry, and the parties to the marriage are the same as the parties to the state registered domestic partnership.

(2) A state registered domestic partnership is dissolved by operation of law by any marriage of the same parties to each other, as of the date of the marriage stated in the certificate.

(3)(a) Except as provided in (b) of this subsection, any state registered domestic partnership in which the parties are the same sex, and neither party is sixty-two years of age or older, that has not been dissolved or converted into a marriage by the parties by June 30, 2014, is automatically merged into a marriage and is deemed a marriage as of June 30, 2014.

(b) If the parties to a state registered domestic partnership have proceedings for dissolution, annulment, or legal separation pending as of June 30, 2014, the parties' state registered domestic partnership is not automatically merged into a marriage and the dissolution, annulment, or legal separation of the state registered domestic partnership is governed by the provisions of the statutes applicable to state registered domestic partnerships in effect before June 30, 2014. If such proceedings are finalized without dissolution, annulment, or legal separation, the state registered domestic partnership is automatically merged into a marriage and is deemed a marriage as of June 30, 2014.

(4) For purposes of determining the legal rights and responsibilities involving individuals who had previously had a state registered domestic partnership and have been issued a marriage license or are deemed married under the provisions of this section, the date of the original state registered domestic partnership is the legal date of the marriage. Nothing in this subsection prohibits a different date from being included on the marriage license.

NEW SECTION. **Sec. 11.** A new section is added to chapter 26.04 RCW to read as follows:

If two persons in Washington have a legal union, other than a marriage, that:

(1) Was validly formed in another state or jurisdiction;

(2) Provides substantially the same rights, benefits, and responsibilities as a marriage; and

(3) Does not meet the definition of domestic partnership in RCW 26.60.030, then they shall be treated as having the same rights and responsibilities as married spouses in this state, unless:

(a) Such relationship is prohibited by RCW 26.04.020 (1)(a) or (2); or

(b) They become permanent residents of Washington state and do not enter into a marriage within one year after becoming permanent residents.

Sec. 12. RCW 26.60.090 and 2011 c 9 s 1 are each amended to read as follows:

A legal union, other than a marriage, of two persons ((~~of the same sex~~)) that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership under this chapter, shall be recognized as a valid domestic partnership in this state and shall be treated the same as a domestic partnership registered in this state regardless of whether it bears the name domestic partnership.

Sec. 13. RCW 1.12.080 and 2011 c 9 s 2 are each amended to read as follows:

For the purposes of this code and any legislation hereafter enacted by the legislature or by the people, with the exception of chapter 26.04 RCW, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, unless the legislation expressly states otherwise and to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009 and this act, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships and spouses of the same sex.

NEW SECTION. **Sec. 14.** A new section is added to chapter 26.33 RCW to read as follows:

Nothing contained in chapter..., Laws of 2012 (this act) shall be construed to alter or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to and provide adoption, foster care, or other child-placing services under this chapter or chapter 74.15 or 74.13 RCW.

NEW SECTION. **Sec. 15.** A new section is added to chapter 74.13 RCW to read as follows:

Nothing contained in chapter..., Laws of 2012 (this act) shall be construed to alter or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to and provide adoption, foster care, or other child-placing services under this chapter or chapter 74.15 or 26.33 RCW.

NEW SECTION. **Sec. 16.** A new section is added to chapter 74.15 RCW to read as follows:

Nothing contained in chapter..., Laws of 2012 (this act) shall be construed to alter or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to and provide adoption, foster care, or other child-placing services under this chapter or chapter 74.13 or 26.33 RCW.

NEW SECTION. **Sec. 17.** (1) Within sixty days after the effective date of this section, the secretary of state shall send a letter to the mailing address on file of each same-sex domestic partner registered under chapter 26.60 RCW notifying the person that Washington's law on the rights and responsibilities of state registered domestic partners will change in relation to certain same-sex registered domestic partners.

(2) The notice must provide a brief summary of the new law and must clearly state that provisions related to certain same-sex registered domestic partnerships will change as of the effective dates of this act, and that those same-sex registered domestic partnerships that are not dissolved prior to June 30, 2014, will be converted to marriage as an act of law.

(3) The secretary of state shall send a second similar notice to the mailing address on file of each domestic partner registered under chapter 26.60 RCW by May 1, 2014.

NEW SECTION. **Sec. 18.** Sections 8 and 9 of this act take effect June 30, 2014, but only if all other provisions of this act are implemented.

--- END ---

Complete Text

Initiative Measure 502

AN ACT Relating to marijuana; amending RCW 69.50.101, 69.50.401, 69.50.4013, 69.50.412, 69.50.4121, 69.50.500, 46.20.308, 46.61.502, 46.61.504, 46.61.50571, and 46.61.506; reenacting and amending RCW 69.50.505, 46.20.3101, and 46.61.503; adding a new section to chapter 46.04 RCW; adding new sections to chapter 69.50 RCW; creating new sections; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

PART 1

INTENT

NEW SECTION. **Sec. 1.** The people intend to stop treating adult marijuana use as a crime and try a new approach that:

(1) Allows law enforcement resources to be focused on violent and property crimes;

(2) Generates new state and local tax revenue for education, health care, research, and substance abuse prevention; and

(3) Takes marijuana out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for controlling hard alcohol.

This measure authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older, and add a new threshold for driving under the influence of marijuana.

PART II

DEFINITIONS

Sec. 2. RCW 69.50.101 and 2010 c 177 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the state board of pharmacy.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or board rules.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(n) "Immediate precursor" means a substance:

(1) that the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(o) "Isomer" means an optical isomer, but in RCW 69.50.101((~~(r)~~)) (x)(5), 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(p) "Lot" means a definite quantity of marijuana, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(q) "Lot number" shall identify the licensee by business or trade name and Washington state unified business identifier

number, and the date of harvest or processing for each lot of marijuana, useable marijuana, or marijuana-infused product.

(r) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

((~~(q)~~)) (s) "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

((~~(r)~~)) (t) "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

(u) "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(v) "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

(w) "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

(x) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

((~~(s)~~)) (y) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

((~~(t)~~)) (z) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

((~~(u)~~)) (aa) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

((~~(v)~~)) (bb) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

((~~(w)~~)) (cc) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

((~~(x)~~)) (dd) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

((~~(y)~~)) (ee) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

((~~(z)~~)) (ff) "Retail outlet" means a location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.

(gg) "Secretary" means the secretary of health or the secretary's designee.

((~~(aa)~~)) (hh) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

((~~(bb)~~)) (ii) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product.

(jj) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

((~~(cc)~~)) (kk) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

(ll) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a Schedule III-V controlled substance between an authorized practitioner and a pharmacy or the transfer of prescription information for a controlled substance from one pharmacy to another pharmacy.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.04 RCW to read as follows:

"THC concentration" means nanograms of delta-9 tetrahydrocannabinol per milliliter of a person's whole blood. THC concentration does not include measurement of the metabolite THC-COOH, also known as carboxy-THC.

PART III

LICENSING AND REGULATION OF MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS

NEW SECTION. **Sec. 4.** (1) There shall be a marijuana producer's license to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers, regulated by the state liquor control board and subject to annual renewal. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this act and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label useable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers, regulated by the state liquor control board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, and marijuana-infused products in accordance with the provisions of this act and the rules adopted to implement and enforce it, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3) There shall be a marijuana retailer's license to sell useable marijuana and marijuana-infused products at retail in retail outlets, regulated by the state liquor control board and subject to annual renewal. The possession, delivery, distribution, and sale of useable marijuana and marijuana-infused products in accordance with the provisions of this act and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell useable marijuana and marijuana-infused products.

NEW SECTION. **Sec. 5.** Neither a licensed marijuana producer nor a licensed marijuana processor shall have a direct or indirect financial interest in a licensed marijuana retailer.

NEW SECTION. **Sec. 6.** (1) For the purpose of considering any application for a license to produce, process, or sell marijuana, or for the renewal of a license to produce, process, or sell marijuana, the state liquor control board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor control board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor control board and a criminal history record information check. The state liquor control board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor control board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases. Subject to the provisions of this section, the state liquor control board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (9) of this section. Authority to approve an uncontested or unopposed license may be granted by the state liquor control board to any staff member the board designates in writing. Conditions for granting this authority shall be adopted by rule. No license of any kind may be issued to:

(a) A person under the age of twenty-one years;

(b) A person doing business as a sole proprietor who has not lawfully resided in the state for at least three months prior to applying to receive a license;

(c) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the

laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(d) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The state liquor control board may, in its discretion, subject to the provisions of section 7 of this act, suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, or selling marijuana, useable marijuana, or marijuana-infused products thereunder shall be suspended or terminated, as the case may be.

(b) The state liquor control board shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the state liquor control board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The state liquor control board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under rules and regulations the state liquor control board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the state liquor control board or a subpoena issued by the state liquor control board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the state liquor control board. Where the license has been suspended only, the state liquor control board shall return the license to the licensee at the expiration or termination of the period of suspension. The state liquor control board shall notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any marijuana, useable marijuana, or marijuana-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this act shall be subject to all conditions and restrictions imposed by this act or by rules adopted by the state liquor control board to implement and enforce this act. All conditions and restrictions imposed by the state liquor control board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee shall employ any person under the age of twenty-one years.

(7)(a) Before the state liquor control board issues a new or renewed license to an applicant it shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

(b) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the state liquor control board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The state liquor control board may extend the time period for submitting written objections.

(c) The written objections shall include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the state liquor control board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the state liquor control board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, state liquor control board representatives shall present and defend the state liquor control board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the state liquor control board shall send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8) The state liquor control board shall not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(9) In determining whether to grant or deny a license or renewal of any license, the state liquor control board shall give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

NEW SECTION. **Sec. 7.** The action, order, or decision of the state liquor control board as to any denial of an application for the reissuance of a license to produce, process, or sell marijuana, or as to any revocation, suspension, or modification of any license to produce, process, or sell marijuana, shall

be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing may be provided to an applicant for the reissuance of a license prior to the disposition of the application, and if no opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided to a licensee prior to a revocation or modification of any license and, except as provided in subsection (4) of this section, prior to the suspension of any license.

(3) No hearing shall be required until demanded by the applicant or licensee.

(4) The state liquor control board may summarily suspend a license for a period of up to one hundred eighty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and it incorporates a finding to that effect in its order. Proceedings for revocation or other action must be promptly instituted and determined. An administrative law judge may extend the summary suspension period for up to one calendar year from the first day of the initial summary suspension in the event the proceedings for revocation or other action cannot be completed during the initial one hundred eighty-day period due to actions by the licensee. The state liquor control board's enforcement division shall complete a preliminary staff investigation of the violation before requesting an emergency suspension by the state liquor control board.

NEW SECTION. **Sec. 8.** (1) If the state liquor control board approves, a license to produce, process, or sell marijuana may be transferred, without charge, to the surviving spouse or domestic partner of a deceased licensee if the license was issued in the names of one or both of the parties. For the purpose of considering the qualifications of the surviving party to receive a marijuana producer's, marijuana processor's, or marijuana retailer's license, the state liquor control board may require a criminal history record information check. The state liquor control board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor control board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation.

(2) The proposed sale of more than ten percent of the outstanding or issued stock of a corporation licensed under this act, or any proposed change in the officers of such a corporation, must be reported to the state liquor control board, and state liquor control board approval must be obtained before the changes are made. A fee of seventy-five dollars will be charged for the processing of the change of stock ownership or corporate officers.

NEW SECTION. **Sec. 9.** For the purpose of carrying into effect the provisions of this act according to their true intent or of supplying any deficiency therein, the state liquor control board may adopt rules not inconsistent with the spirit of this act as are deemed necessary or advisable. Without limiting the generality of the preceding sentence, the state liquor control board is empowered to adopt rules regarding the following:

(1) The equipment and management of retail outlets and premises where marijuana is produced or processed, and inspection of the retail outlets and premises;

(2) The books and records to be created and maintained by licensees, the reports to be made thereon to the state liquor control board, and inspection of the books and records;

(3) Methods of producing, processing, and packaging marijuana, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

(4) Security requirements for retail outlets and premises where marijuana is produced or processed, and safety protocols for licensees and their employees;

(5) Screening, hiring, training, and supervising employees of licensees;

(6) Retail outlet locations and hours of operation;

(7) Labeling requirements and restrictions on advertisement of marijuana, useable marijuana, and marijuana-infused products;

(8) Forms to be used for purposes of this act or the rules adopted to implement and enforce it, the terms and conditions to be contained in licenses issued under this act, and the qualifications for receiving a license issued under this act, including a criminal history record information check. The state liquor control board may submit any criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor control board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;

(9) Application, reinstatement, and renewal fees for licenses issued under this act, and fees for anything done or permitted to be done under the rules adopted to implement and enforce this act;

(10) The manner of giving and serving notices required by this act or rules adopted to implement or enforce it;

(11) Times and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, useable marijuana, and marijuana-infused products within the state;

(12) Identification, seizure, confiscation, destruction, or donation to law enforcement for training purposes of all marijuana, useable marijuana, and marijuana-infused products produced, processed, sold, or offered for sale within this state which do not conform in all respects to the standards prescribed by this act or the rules adopted to implement and enforce it: PROVIDED, That nothing in this act shall be construed as authorizing the state liquor control board to seize, confiscate, destroy, or donate to law enforcement marijuana, useable marijuana, or marijuana-infused products produced, processed, sold, offered for sale, or possessed in compliance with the Washington state medical use of cannabis act, chapter 69.51A RCW.

NEW SECTION. **Sec. 10.** The state liquor control board, subject to the provisions of this act, must adopt rules by December 1, 2013, that establish the procedures and criteria necessary to implement the following:

(1) Licensing of marijuana producers, marijuana processors, and marijuana retailers, including prescribing forms and establishing application, reinstatement, and renewal fees;

(2) Determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

(a) Population distribution;

(b) Security and safety issues; and

(c) The provision of adequate access to licensed sources of useable marijuana and marijuana-infused products to discourage purchases from the illegal market;

(3) Determining the maximum quantity of marijuana a marijuana producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of marijuana, useable marijuana, and marijuana-infused products a marijuana processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of useable marijuana and marijuana-infused products a marijuana retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by subsections (3) through (5) of this section, the state liquor control board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of marijuana, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain marijuana, useable marijuana, and marijuana-infused products, and their labeling requirements, to include but not be limited to:

(a) The business or trade name and Washington state unified business identifier number of the licensees that grew, processed, and sold the marijuana, useable marijuana, or marijuana-infused product;

(b) Lot numbers of the marijuana, useable marijuana, or marijuana-infused product;

(c) THC concentration of the marijuana, useable marijuana, or marijuana-infused product;

(d) Medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(e) Language required by RCW 69.04.480;

(8) In consultation with the department of agriculture, establishing classes of marijuana, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile, THC concentration, or other qualitative measurements deemed appropriate by the state liquor control board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of marijuana, useable marijuana, and marijuana-infused products that are not inconsistent with the provisions of this act, taking into consideration:

(a) Federal laws relating to marijuana that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising; and

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by marijuana use in the advertising;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, useable marijuana, and marijuana-infused products within the state;

(11) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the state liquor control board, and prescribing methods of producing, processing, and packaging marijuana, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all marijuana, useable marijuana, and marijuana-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this act or the rules of the state liquor control board.

NEW SECTION. **Sec. 11.** (1) On a schedule determined by the state liquor control board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the state liquor control board, for inspection and testing to certify compliance with standards adopted by the state liquor control board. Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee.

(2) Licensees must submit the results of this inspection and testing to the state liquor control board on a form developed by the state liquor control board.

(3) If a representative sample inspected and tested under this section does not meet the applicable standards adopted by the state liquor control board, the entire lot from which the sample was taken must be destroyed.

NEW SECTION. **Sec. 12.** Except as provided by chapter 42.52 RCW, no member of the state liquor control board and no employee of the state liquor control board shall have any interest, directly or indirectly, in the producing, processing, or sale of marijuana, useable marijuana, or marijuana-infused products, or derive any profit or remuneration from the sale of marijuana, useable marijuana, or marijuana-infused products other than the salary or wages payable to him or her in respect of his or her office or position, and shall receive no gratuity from any person in connection with the business.

NEW SECTION. **Sec. 13.** There may be licensed, in no greater number in each of the counties of the state than as the state liquor control board shall deem advisable, retail outlets established for the purpose of making useable marijuana and marijuana-infused products available for sale to adults aged twenty-one and over. Retail sale of useable marijuana and marijuana-infused products in accordance with the provisions of this act and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer or retail outlet employee, shall not be a criminal or civil offense under Washington state law.

NEW SECTION. **Sec. 14.** (1) Retail outlets shall sell no products or services other than useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of useable marijuana or marijuana-infused products.

(2) Licensed marijuana retailers shall not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet.

(3) Licensed marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign no larger than one thousand six hundred square inches identifying the retail outlet by the licensee's business or trade name.

(4) Licensed marijuana retailers shall not display useable marijuana or marijuana-infused products in a manner that is visible to the general public from a public right-of-way.

(5) No licensed marijuana retailer or employee of a retail outlet shall open or consume, or allow to be opened or

consumed, any useable marijuana or marijuana-infused product on the outlet premises.

(6) The state liquor control board shall fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana fund created under section 26 of this act.

NEW SECTION. **Sec. 15.** The following acts, when performed by a validly licensed marijuana retailer or employee of a validly licensed retail outlet in compliance with rules adopted by the state liquor control board to implement and enforce this act, shall not constitute criminal or civil offenses under Washington state law:

(1) Purchase and receipt of useable marijuana or marijuana-infused products that have been properly packaged and labeled from a marijuana processor validly licensed under this act;

(2) Possession of quantities of useable marijuana or marijuana-infused products that do not exceed the maximum amounts established by the state liquor control board under section 10(5) of this act; and

(3) Delivery, distribution, and sale, on the premises of the retail outlet, of any combination of the following amounts of useable marijuana or marijuana-infused product to any person twenty-one years of age or older:

(a) One ounce of useable marijuana;

(b) Sixteen ounces of marijuana-infused product in solid form; or

(c) Seventy-two ounces of marijuana-infused product in liquid form.

NEW SECTION. **Sec. 16.** The following acts, when performed by a validly licensed marijuana processor or employee of a validly licensed marijuana processor in compliance with rules adopted by the state liquor control board to implement and enforce this act, shall not constitute criminal or civil offenses under Washington state law:

(1) Purchase and receipt of marijuana that has been properly packaged and labeled from a marijuana producer validly licensed under this act;

(2) Possession, processing, packaging, and labeling of quantities of marijuana, useable marijuana, and marijuana-infused products that do not exceed the maximum amounts established by the state liquor control board under section 10(4) of this act; and

(3) Delivery, distribution, and sale of useable marijuana or marijuana-infused products to a marijuana retailer validly licensed under this act.

NEW SECTION. **Sec. 17.** The following acts, when performed by a validly licensed marijuana producer or employee of a validly licensed marijuana producer in compliance with rules adopted by the state liquor control board to implement and enforce this act, shall not constitute criminal or civil offenses under Washington state law:

(1) Production or possession of quantities of marijuana that do not exceed the maximum amounts established by the state liquor control board under section 10(3) of this act; and

(2) Delivery, distribution, and sale of marijuana to a marijuana processor or another marijuana producer validly licensed under this act.

NEW SECTION. **Sec. 18.** (1) No licensed marijuana producer, processor, or retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marijuana, useable marijuana, or a marijuana-infused product in any form or through any medium whatsoever:

(a) Within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older;

(b) On or in a public transit vehicle or public transit shelter; or

(c) On or in a publicly owned or operated property.

(2) Merchandising within a retail outlet is not advertising for the purposes of this section.

(3) This section does not apply to a noncommercial message.

(4) The state liquor control board shall fine a licensee one thousand dollars for each violation of subsection (1) of this section. Fines collected under this subsection must be deposited into the dedicated marijuana fund created under section 26 of this act.

Sec. 19. RCW 69.50.401 and 2005 c 218 s 1 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(2) Any person who violates this section with respect to:

(a) A controlled substance classified in Schedule I or II which is a narcotic drug or flunitrazepam, including its salts, isomers, and salts of isomers, classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, or (i) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (ii) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(b) Amphetamine, including its salts, isomers, and salts of isomers, or methamphetamine, including its salts, isomers, and salts of isomers, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, or (i) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (ii) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine, including its salts, isomers, and salts of isomers. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost;

(c) Any other controlled substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A substance classified in Schedule IV, except flunitrazepam, including its salts, isomers, and salts of isomers, is guilty of a class C felony punishable according to chapter 9A.20 RCW; or

(e) A substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3) The production, manufacture, processing, packaging, delivery, distribution, sale, or possession of marijuana in compliance with the terms set forth in section 15, 16, or 17 of this act shall not constitute a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 20. RCW 69.50.4013 and 2003 c 53 s 334 are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner

while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) The possession, by a person twenty-one years of age or older, of useable marijuana or marijuana-infused products in amounts that do not exceed those set forth in section 15(3) of this act is not a violation of this section, this chapter, or any other provision of Washington state law.

NEW SECTION. **Sec. 21.** It is unlawful to open a package containing marijuana, useable marijuana, or a marijuana-infused product, or consume marijuana, useable marijuana, or a marijuana-infused product, in view of the general public. A person who violates this section is guilty of a class 3 civil infraction under chapter 7.80 RCW.

Sec. 22. RCW 69.50.412 and 2002 c 213 s 1 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing bloodborne diseases.

Sec. 23. RCW 69.50.4121 and 2002 c 213 s 2 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than marijuana. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing ((~~marihuana,~~)) cocaine((~~, hashish, or hashish oil~~)) into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) ((~~Roach clips: Meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;~~

~~(f)~~)) Miniature cocaine spoons and cocaine vials;

((~~(g)~~)) (f) Chamber pipes;

((~~(h)~~)) (g) Carburetor pipes;

((~~(i)~~)) (h) Electric pipes;

((~~(j)~~)) (i) Air-driven pipes;

((~~(k) Chillums;~~

~~(l) Bongs;~~)) and

((~~(m)~~)) (j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits legal distribution of injection syringe equipment through public health and community based HIV prevention programs, and pharmacies.

Sec. 24. RCW 69.50.500 and 1989 1st ex.s. c 9 s 437 are each amended to read as follows:

(a) It is hereby made the duty of the state board of pharmacy, the department, the state liquor control board, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

(b) Employees of the department of health, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

Sec. 25. RCW 69.50.505 and 2009 c 479 s 46 and 2009 c 364 s 1 are each reenacted and amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(b) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(c) All property which is used, or intended for use, as a container for property described in (a) or (b) of this subsection;

(d) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in (a) or (b) of this subsection, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or

other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014;

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(f) All drug paraphernalia other than paraphernalia possessed, sold, or used solely to facilitate marijuana-related activities that are not violations of this chapter;

(g) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(h) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(h), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes that are unlawful under Washington state law, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, whether the offender was licensed to produce, process, or sell marijuana, or was an employee of a licensed producer, processor, or retailer, and other evidence which demonstrates the offender's intent to engage in unlawful commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by

certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(d), (g), or (h) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety-day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.

The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(d) Forward it to the drug enforcement administration for disposition.

(8)(a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(b) Each seizing agency shall retain records of forfeited property for at least seven years.

(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(9)(a) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the state general fund.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (15) of this section.

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(10) Forfeited property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(11) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(12) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(13) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he or she is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(14) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(15)(a) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (7)(b) of this section, only if:

((~~(a)~~)) (i) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

((~~(b)~~)) (ii) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

((~~(i)~~)) (A) Only if the funds applied under ((~~(b)~~)) (a)(ii) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

((~~(ii)~~)) (B) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

((~~(c)~~)) (b) For any claim filed under ((~~(b)~~)) (a)(ii) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(16) The landlord's claim for damages under subsection (15) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (7)(b) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (9)(b) of this section.

(17) Subsections (15) and (16) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (15) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

PART IV

DEDICATED MARIJUANA FUND

NEW SECTION. **Sec. 26.** (1) There shall be a fund, known as the dedicated marijuana fund, which shall consist of all marijuana excise taxes, license fees, penalties, forfeitures, and all other moneys, income, or revenue received by the state liquor control board from marijuana-related activities. The state treasurer shall be custodian of the fund.

(2) All moneys received by the state liquor control board or any employee thereof from marijuana-related activities shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the dedicated marijuana fund.

(3) Disbursements from the dedicated marijuana fund shall be on authorization of the state liquor control board or a duly authorized representative thereof.

NEW SECTION. **Sec. 27.** (1) There is levied and collected a marijuana excise tax equal to twenty-five percent of the selling price on each wholesale sale in this state of marijuana by a licensed marijuana producer to a licensed marijuana processor or another licensed marijuana producer. This tax is the obligation of the licensed marijuana producer.

(2) There is levied and collected a marijuana excise tax equal to twenty-five percent of the selling price on each wholesale sale in this state of useable marijuana or marijuana-infused product by a licensed marijuana processor to a licensed marijuana retailer. This tax is the obligation of the licensed marijuana processor.

(3) There is levied and collected a marijuana excise tax equal to twenty-five percent of the selling price on each retail sale in this state of useable marijuana and marijuana-infused products. This tax is the obligation of the licensed marijuana retailer, is separate and in addition to general state and local sales and use taxes that apply to retail sales of tangible personal property, and is part of the total retail price to which general state and local sales and use taxes apply.

(4) All revenues collected from the marijuana excise taxes imposed under subsections (1) through (3) of this section shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the dedicated marijuana fund.

(5) The state liquor control board shall regularly review the tax levels established under this section and make recommendations to the legislature as appropriate regarding adjustments that would further the goal of discouraging use while undercutting illegal market prices.

NEW SECTION. **Sec. 28.** All marijuana excise taxes collected from sales of marijuana, useable marijuana, and marijuana-infused products under section 27 of this act, and the license fees, penalties, and forfeitures derived under this act from marijuana producer, marijuana processor, and marijuana retailer licenses shall every three months be disbursed by the state liquor control board as follows:

(1) One hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor control board. The survey shall be conducted at least every two years and include questions regarding, but not necessarily limited to, academic

achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(2) Fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in section 30 of this act. This appropriation shall end after production of the final report required by section 30 of this act;

(3) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(4) An amount not exceeding one million two hundred fifty thousand dollars to the state liquor control board as is necessary for administration of this act;

(5) Of the funds remaining after the disbursements identified in subsections (1) through (4) of this section:

(a) Fifteen percent to the department of social and health services division of behavioral health and recovery for implementation and maintenance of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance-use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation; PROVIDED, That:

(i) Of the funds disbursed under (a) of this subsection, at least eighty-five percent must be directed to evidence-based and cost-beneficial programs and practices that produce objectively measurable results; and

(ii) Up to fifteen percent of the funds disbursed under (a) of this subsection may be directed to research-based and emerging best practices or promising practices.

In deciding which programs and practices to fund, the secretary of the department of social and health services shall consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute;

(b) Ten percent to the department of health for the creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(i) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(ii) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(iii) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(c) Six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f) Three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW; and

(g) The remainder to the general fund.

NEW SECTION. **Sec. 29.** The department of social and health services and the department of health shall, by December 1, 2013, adopt rules not inconsistent with the spirit of this act as are deemed necessary or advisable to carry into effect the provisions of section 28 of this act.

NEW SECTION. **Sec. 30.** (1) The Washington state institute for public policy shall conduct cost-benefit evaluations of the implementation of this act. A preliminary report, and recommendations to appropriate committees of the legislature, shall be made by September 1, 2015, and the first final report with recommendations by September 1, 2017. Subsequent reports shall be due September 1, 2022, and September 1, 2032.

(2) The evaluation of the implementation of this act shall include, but not necessarily be limited to, consideration of the following factors:

(a) Public health, to include but not be limited to:

(i) Health costs associated with marijuana use;

(ii) Health costs associated with criminal prohibition of marijuana, including lack of product safety or quality control regulations and the relegation of marijuana to the same illegal market as potentially more dangerous substances; and

(iii) The impact of increased investment in the research, evaluation, education, prevention and intervention programs, practices, and campaigns identified in section 16 of this act on rates of marijuana-related maladaptive substance use and diagnosis of marijuana-related substance-use disorder, substance abuse, or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders;

(b) Public safety, to include but not be limited to:

(i) Public safety issues relating to marijuana use; and

(ii) Public safety issues relating to criminal prohibition of marijuana;

(c) Youth and adult rates of the following:

(i) Marijuana use;

(ii) Maladaptive use of marijuana; and

(iii) Diagnosis of marijuana-related substance-use disorder, substance abuse, or substance dependence, including primary, secondary, and tertiary choices of substance;

(d) Economic impacts in the private and public sectors, including but not limited to:

(i) Jobs creation;

(ii) Workplace safety;

(iii) Revenues; and

(iv) Taxes generated for state and local budgets;

(e) Criminal justice impacts, to include but not be limited to:

(i) Use of public resources like law enforcement officers and equipment, prosecuting attorneys and public defenders, judges and court staff, the Washington state patrol crime lab and identification and criminal history section, jails and prisons, and misdemeanant and felon supervision officers to enforce state criminal laws regarding marijuana; and

(ii) Short and long-term consequences of involvement in the criminal justice system for persons accused of crimes relating to marijuana, their families, and their communities; and

(f) State and local agency administrative costs and revenues.

PART V

DRIVING UNDER THE INFLUENCE OF MARIJUANA

Sec. 31. RCW 46.20.308 and 2008 c 282 s 2 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration, THC concentration, or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol or THC in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if:

(i) The driver is age twenty-one or over and the test indicates either that the alcohol concentration of the driver's breath or blood is 0.08 or more((,)) or that the THC concentration of the driver's blood is 5.00 or more; or ((if))

(ii) The driver is under age twenty-one and the test indicates either that the alcohol concentration of the driver's breath or blood is 0.02 or more((,)) or that the THC concentration of the driver's blood is above 0.00; or ((if))

(iii) The driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more, or the THC concentration of the person's blood is 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood is 0.02 or more, or the THC concentration of the person's blood is above 0.00, if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section and that the person waives the right to a hearing if he or she receives an ignition interlock driver's license;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the

influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol or THC concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within twenty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of two hundred dollars as part of the request. If the request is mailed, it must be postmarked within twenty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required two hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required two hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person was age twenty-one or over at the time of the arrest, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied

under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 32. RCW 46.20.3101 and 2004 c 95 s 4 and 2004 c 68 s 3 are each reenacted and amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec. 33. RCW 46.61.502 and 2011 c 293 s 2 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

((~~(c)~~)) (d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be

used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)((~~(b) or~~)) (c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has four or more prior offenses within ten years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

Sec. 34. RCW 46.61.503 and 1998 c 213 s 4, 1998 c 207 s 5, and 1998 c 41 s 8 are each reenacted and amended to read as follows:

(1) Notwithstanding any other provision of this title, a person is guilty of driving or being in physical control of a motor vehicle after consuming alcohol or marijuana if the person operates or is in physical control of a motor vehicle within this state and the person:

(a) Is under the age of twenty-one; and

(b) Has, within two hours after operating or being in physical control of the motor vehicle, either:

(i) An alcohol concentration of at least 0.02 but less than the concentration specified in RCW 46.61.502, as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(ii) A THC concentration above 0.00 but less than the concentration specified in RCW 46.61.502, as shown by analysis of the person's blood made under RCW 46.61.506.

(2) It is an affirmative defense to a violation of subsection (1) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol or marijuana after the time of driving or being in physical control and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol or THC concentration to be in violation of subsection (1) of this section within two hours after driving or being in physical control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the earlier of: (a) Seven days prior to trial; or (b) the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(3) Analyses of blood or breath samples obtained more than two hours after the alleged driving or being in physical control may be used as evidence that within two hours of the alleged driving or being in physical control, a person had an alcohol or THC concentration in violation of subsection (1) of this section.

(4) A violation of this section is a misdemeanor.

Sec. 35. RCW 46.61.504 and 2011 c 293 s 3 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

((~~(c)~~)) (d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)((~~(b) or~~)) (c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has four or more prior offenses within ten years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

Sec. 36. RCW 46.61.50571 and 2000 c 52 s 1 are each amended to read as follows:

(1) A defendant who is charged with an offense involving driving while under the influence as defined in RCW 46.61.502, driving under age twenty-one after consuming alcohol or marijuana as defined in RCW 46.61.503, or being in physical control of a vehicle while under the influence as defined in RCW 46.61.504, shall be required to appear in person before a judicial officer within one judicial day after the arrest if the defendant is served with a citation or complaint at the time of the arrest. A court may by local court rule waive the requirement for appearance within one judicial day if it provides for the appearance at the earliest practicable day following arrest and establishes the method for identifying that day in the rule.

(2) A defendant who is charged with an offense involving driving while under the influence as defined in RCW 46.61.502, driving under age twenty-one after consuming alcohol or marijuana as defined in RCW 46.61.503, or being in physical control of a vehicle while under the influence as defined in RCW 46.61.504, and who is not served with a citation or complaint at the time of the incident, shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of an appearance required by this section, the court shall determine the necessity of imposing conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment.

(4) Appearances required by this section are mandatory and may not be waived.

Sec. 37. RCW 46.61.506 and 2010 c 53 s 1 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter 18.88A RCW, a physician assistant as defined in chapter 18.71A RCW, a first responder as defined in chapter 18.73 RCW, an emergency medical technician as defined in chapter 18.73 RCW, a health care assistant as defined in chapter 18.135 RCW, or any technician trained in withdrawing blood. This limitation shall not apply to the taking of breath specimens.

(6) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or

method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(7) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

PART VI

CONSTRUCTION

NEW SECTION. **Sec. 38.** Sections 4 through 18 of this act are each added to chapter 69.50 RCW under the subchapter heading "article III -- regulation of manufacture, distribution, and dispensing of controlled substances."

NEW SECTION. **Sec. 39.** Section 21 of this act is added to chapter 69.50 RCW under the subchapter heading "article IV -- offenses and penalties."

NEW SECTION. **Sec. 40.** Sections 26 through 30 of this act are each added to chapter 69.50 RCW under the subchapter heading "article V -- enforcement and administrative provisions."

NEW SECTION. **Sec. 41.** The code reviser shall prepare a bill for introduction at the next legislative session that corrects references to the sections affected by this act.

--- END ---

Complete Text

Engrossed Senate Joint Resolution 8221

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 1 of the Constitution of the state of Washington to read as follows:

"Article VIII, section 1. (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state, as calculated by the treasurer at the time debt is contracted, shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than ((~~nine percent~~)) the applicable percentage limit of the arithmetic mean of its general state revenues for the ((~~three~~)) six immediately preceding fiscal years as certified by the treasurer. The term "applicable percentage limit" means eight and one-half percent from July 1, 2014, through June 30, 2016; eight and one-quarter percent from July 1, 2016, through June 30, 2034; eight percent from July 1, 2034, and thereafter. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues," when used in this section, shall include all state money received in the treasury from each and every source ((~~whatsoever except~~)), including moneys received from ad valorem taxes levied by the state and deposited in the general fund in each fiscal year, but not including: (1) Fees and other revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds ((~~including but not limited to moneys received from taxes levied for specific purposes~~)) and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Moneys received from taxes levied for specific purposes and required to be deposited for those purposes into specified funds or accounts other than the general fund; and (6) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority. In addition, for the purpose of computing the amount required for payment of interest on outstanding debt under subsection (b) of this section and this subsection, "interest" shall be reduced by subtracting the amount scheduled to be received by the state as payments from the federal government in each year in respect of bonds, notes, or other evidences of indebtedness subject to this section.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity

undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

BE IT FURTHER RESOLVED, That the amendments to Article VIII, Section 1, if approved and ratified by the qualified voters of the state, shall be effective on and after July 1, 2014.

BE IT FURTHER RESOLVED, That the statement of subject and concise description for the ballot title of this constitutional amendment shall read "The legislature has proposed a constitutional amendment on implementing the Commission on State Debt recommendations regarding Washington's debt limit. This amendment would, starting July 1, 2014, phase-down the debt limit percentage in three steps from nine to eight percent and modify the calculation date, calculation period, and the term general state revenues. Should this constitutional amendment be:

Approved . . . . . .

Rejected . . . . . ."

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

--- END ---

Complete Text

Senate Joint Resolution 8223

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington((,)):

(1) The moneys of any public pension or retirement fund, industrial insurance trust fund, or fund held in trust for the benefit of persons with developmental disabilities may be invested as authorized by law; and

(2) The public moneys of the University of Washington and Washington State University in investment funds specified by the legislature may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

--- END ---

Political Party Contact Information

Washington State Democrats

PO Box 4027
Seattle, WA 98194
(206) 583-0664
info@wa-democrats.org
www.wa-democrats.org

Washington State Republican Party

11811 NE 1st St, Ste A306
Bellevue, WA 98005
(425) 460-0570
wagop@wsrp.org
www.wsrp.org

I am a...

Military or overseas voter

You can register to vote anytime on or before Election Day, regardless of the deadline.

You may receive your ballot by mail, email, or fax. Spouses and dependants of military personnel who are overseas have the same voting rights.

College student

You can choose to register to vote using either home or school as your residential address, but you may not register to vote in more than one place. Your ballot can be mailed to you anywhere in the world, however your residential address must remain in Washington.

Convicted felon

If you were convicted of a felony, your right to vote is restored as long as you are not in prison or on community custody with the Washington State Department of Corrections.

Once your right is restored, you must re-register to vote in order to receive a ballot.

New Washington resident

Welcome to Washington! You can register to vote online, by mail, in person, or when you get your new state driver license or ID at the Department of Licensing.

You may not register to vote in more than one place, so cancel any previous voter registration before registering in Washington.

Seasonal resident

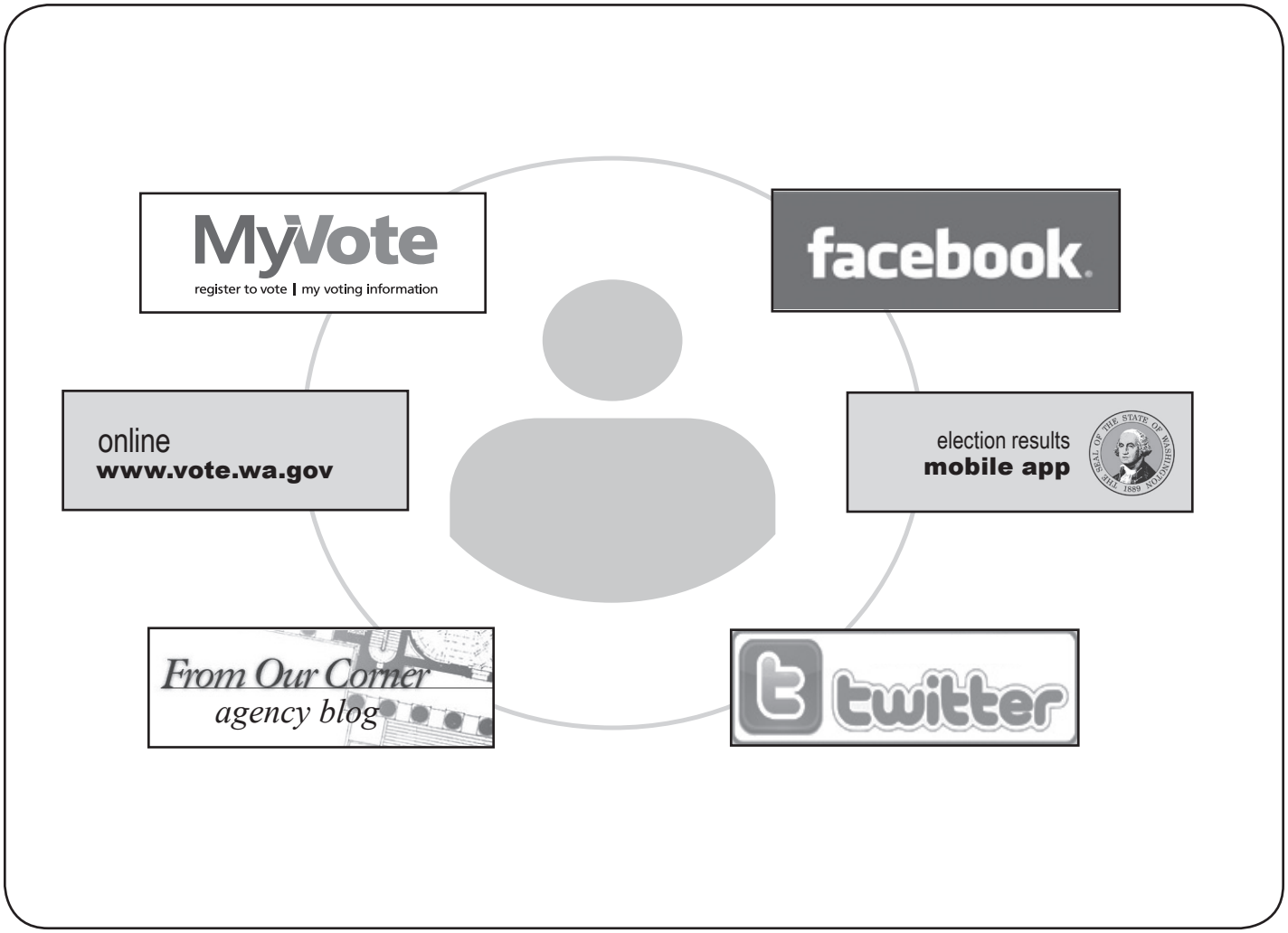
You can vote in Washington State even if you are away from home during an election. To ensure you receive your ballot, update your mailing address.

Your ballot can be mailed to you anywhere in the world, however your residential address must remain in Washington. You may not register to vote in more than one place.

Washington welcomes all voters!

Follow "Washington State Elections" online

www.vote.wa.gov



Learn more about candidates & measures

The Voters' Pamphlet is a good source of information about candidates and measures, but it's not the only source.

Campaign contributors

State and local candidates and measures
Public Disclosure Commission **www.pdc.wa.gov**

Federal candidates
Federal Election Commission **www.fec.gov**

Voting records

Washington State Legislature **www.leg.wa.gov**

U.S. House of Representatives **www.house.gov**

U.S. Senate **www.senate.gov**

Candidates and measures

Visit campaign websites or call them directly to learn their positions on issues that matter to you.

Other important sources

Newspapers

Business associations

Labor unions

Civic organizations

Religious organizations

Political organizations

Environmental organizations

Judicial organizations

> *Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education.*
>
> Franklin D. Roosevelt

Your district may have changed!

How does redistricting affect you?

Every ten years, legislative and congressional district boundaries are redrawn in a process called redistricting.

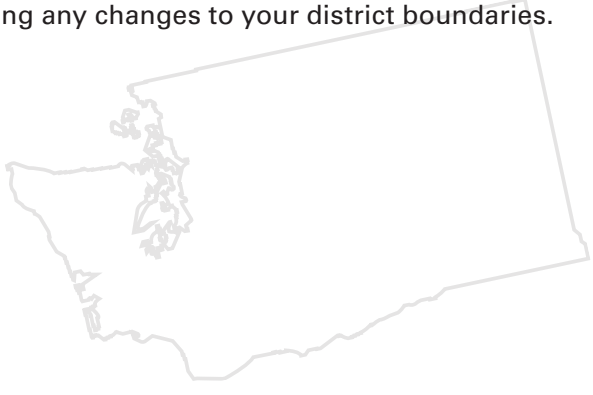
Redistricting ensures that each district has approximately the same number of people and therefore equal representation in government.

According to the 2010 U.S. Census, our statewide population has increased. As a result, Washington State was given one additional seat in the U.S. House of Representatives. We now have ten congressional districts and 12 electoral votes.

As a result of redistricting, you may:

- be assigned to a new voting district
- vote on and have new representatives in the state Legislature and/or Congress.

Your county elections department mailed information regarding any changes to your district boundaries.



For more information about new district boundaries or the redistricting process visit **www.redistricting.wa.gov**.

The 2012 Presidential Election is around the corner!

Are you ready?

MyVote

register to vote | my voting information

www.myvote.wa.gov

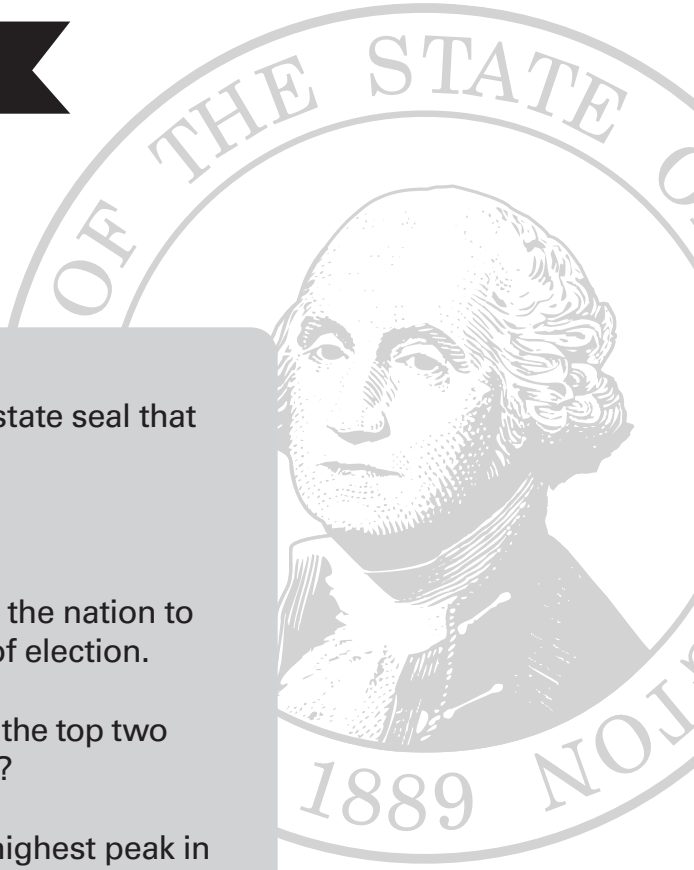
- → Register to vote
- → Update my address
- → My candidates and ballot measures
- → Places to return my ballot
- → My elected officials

For more information about Washington State elections visit **www.vote.wa.gov**

The deadline to register online or change your address has passed. If you are a new voter, you can still register to vote by visiting your county elections department in person. Contact information is located in the back of this pamphlet.

Civics Trivia

Put your Washington State knowledge to the test!



1. The State Seal, featured on our flag, is the only state seal that depicts one of these.
2. What is Washington State's official gemstone?
3. In 2011 Washington became the second state in the nation to abolish poll sites, instead conducting this type of election.
4. In Washington, what August contest determines the top two candidates who move on to the General Election?
5. What mountain range features Mt. Rainier, the highest peak in Washington State?
6. In Washington State, what elected official is second in succession to Governor?
7. This grand structure 90 miles west of Spokane is 550 feet in elevation; it is taller than the Great Pyramid in Egypt and more than double the height of Niagara Falls.
8. What process allows voters to propose legislation by petition?
9. As of the 2010 U.S. Census, Washington has how many electoral votes?

Answers

1. U.S. President 2. Petrified wood 3. Vote by mail 4. Top 2 Primary 5. Cascades 6. Secretary of State 7. Grand Coulee Dam 8. Initiative process 9. 12

Questions and answers provided by *Simply Washington*, the Revised Code of Washington, Washington Administrative Code, the Washington State Legislature and the U.S. Electoral College.

County Elections Contact Information

Adams County
210 W Broadway Ave, Ste 200
Ritzville, WA 99169-1897
Phone: (509) 659-3249
TDD/TTY: (509) 659-1122

Asotin County
PO Box 129
Asotin, WA 99402-0129
Phone: (509) 243-2084
TDD/TTY: (800) 855-1155

Benton County
PO Box 470
Prosser, WA 99350-0470
Phone: (509) 736-3085
TDD/TTY: (800) 833-6388

Chelan County
PO Box 4760
Wenatchee, WA 98807-4760
Phone: (509) 667-6808
TDD/TTY: (800) 833-6388

Clallam County
223 E 4th St, Ste 1
Port Angeles, WA 98362
Phone: (360) 417-2221
Toll-free: (866) 433-8683
TDD/TTY: (800) 833-6388

Clark County
PO Box 8815
Vancouver, WA 98666-8815
Phone: (360) 397-2345
TDD/TTY: (800) 833-6384

Columbia County
341 E Main St, Ste 3
Dayton, WA 99328-1361
Phone: (509) 382-4541
TDD/TTY: (800) 833-6388

Cowlitz County
207 4th Ave N, Rm 107
Kelso, WA 98626-4124
Phone: (360) 577-3005
TDD/TTY: (360) 577-3061

Douglas County
PO Box 456
Waterville, WA 98858
Phone: (509) 745-8527 ext 6407
TDD/TTY: (509) 745-8527 ext 207

Ferry County
350 E Delaware Ave, #2
Republic, WA 99166
Phone: (509) 775-5225 ext 1139
TDD/TTY: (800) 833-6388

Franklin County
PO Box 1451
Pasco, WA 99301
Phone: (509) 545-3538
TDD/TTY: (800) 833-6388

Garfield County
PO Box 278
Pomeroy, WA 99347
Phone: (509) 843-1411
TDD/TTY: (800) 833-6388

Grant County
PO Box 37
Ephrata, WA 98823
Phone: (509) 754-2011 ext 343
TDD/TTY: (800) 833-6388

Grays Harbor County
100 W Broadway, Ste 2
Montesano, WA 98563
Phone: (360) 249-4232
TDD/TTY: (360) 249-6575

Island County
PO Box 1410
Coupeville, WA 98239
Phone: (360) 679-7366
TDD/TTY: (360) 679-7305

Jefferson County
PO Box 563
Port Townsend, WA 98368
Phone: (360) 385-9119
TDD/TTY: (800) 833-6388

King County
919 SW Grady Way
Renton, WA 98057-2906
Phone: (206) 296-8683
TDD/TTY: 711

Kitsap County
614 Division St
Port Orchard, WA 98366
Phone: (360) 337-7128

Kittitas County
205 W 5th Ave, Ste 105
Ellensburg, WA 98926
Phone: (509) 962-7503
TDD/TTY: (800) 833-6388

Klickitat County
205 S Columbus Ave, Stop 2
Goldendale, WA 98620
Phone: (509) 773-4001
TDD/TTY: (800) 833-6388

Lewis County
PO Box 29
Chehalis, WA 98532-0029
Phone: (360) 740-1278
TDD/TTY: (360) 740-1480

Lincoln County
PO Box 28
Davenport, WA 99122
Phone: (509) 725-4971
TDD/TTY: (800) 833-6388

Mason County
PO Box 400
Shelton, WA 98584
Phone: (360) 427-9670 ext 470
TDD/TTY: (800) 833-6388

Okanogan County
PO Box 1010
Okanogan, WA 98840
Phone: (509) 422-7240
TDD/TTY: (800) 833-6388

Pacific County
PO Box 97
South Bend, WA 98586-0097
Phone: (360) 875-9317
TDD/TTY: (360) 875-9400

Pend Oreille County
PO Box 5015
Newport, WA 99156
Phone: (509) 447-6472
TDD/TTY: (509) 447-3186

Pierce County
2501 S 35th St, Ste C
Tacoma, WA 98409
Phone: (253) 798-8683
TDD/TTY: 711

San Juan County
PO Box 638
Friday Harbor, WA 98250
Phone: (360) 378-3357
TDD/TTY: (360) 378-4151

Skagit County
PO Box 1306
Mount Vernon, WA 98273
Phone: (360) 336-9305
TDD/TTY: (800) 833-6388

Skamania County
Elections Dept, PO Box 790
Stevenson, WA 98648
Phone: (509) 427-3730
TDD/TTY: (800) 833-6388

Snohomish County
3000 Rockefeller Ave, MS 505
Everett, WA 98201
Phone: (425) 388-3444
TDD/TTY: (425) 388-3700

Spokane County
1033 W Gardner Ave
Spokane, WA 99260
Phone: (509) 477-2320
TDD/TTY: (509) 477-2333

Stevens County
215 S Oak St, Rm 106
Colville, WA 99114
Phone: (509) 684-7514
Toll-free: (866) 307-9060
TDD/TTY: (800) 833-6384

Thurston County
2000 Lakeridge Dr SW
Olympia, WA 98502-6090
Phone: (360) 786-5408
TDD/TTY: (360) 754-2933

Wahkiakum County
PO Box 543
Cathlamet, WA 98612
Phone: (360) 795-3219
TDD/TTY: (800) 833-6388

Walla Walla County
PO Box 2176
Walla Walla, WA 99362
Phone: (509) 524-2530
TDD/TTY: (800) 833-6388

Whatcom County
311 Grand Ave, Ste 103
Bellingham, WA 98225
Phone: (360) 676-6742
TDD/TTY: (360) 738-4555

Whitman County
PO Box 191
Colfax, WA 99111
Phone: (509) 397-5284
TDD/TTY: (800) 833-6388

Yakima County
128 N 2nd St, Rm 117
Yakima, WA 98901
Phone: (509) 574-1340
TDD/TTY: (800) 833-6388

Links to websites for all county elections departments can be found at **www.vote.wa.gov**.

Secretary of State
State of Washington
PO Box 40220
Olympia WA 98504-0220

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Voters' Pamphlet

November 6, 2012 General Election

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