San Juan County

Initiatives and Referenda Handbook

A reference manual for sponsors of initiatives and referenda in San Juan County

San Juan County

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Introduction

In November, 2005, the electorate of San Juan County adopted the charter form of government. This change gave the registered voters in the county the power to propose initiatives and referenda.

An initiative is a proposal put forth by the citizenry for specific legislation to be added to existing law. It is called an initiative because it allows the electorate to initiate legislation. An initiative proposal may be adopted by the County Council or submitted to the people for a vote. A mini-initiative proposal requests the County Council to hold a public hearing on the proposed ordinance and adopt or reject the ordinance.

The referendum allows citizens, through the petition process, to refer acts of the County Council to the people before they become law. The referendum also permits the County Council to refer proposed legislation to the voters for approval or rejection.

The initiative and referendum process gives voters the right to legislate. Sponsors of initiative or referendum measures must, however, obtain a substantial number of petition signatures from registered voters in order to propose their measures to the ballot or to the County Council.

The information provided here does not take the place of local, state, or federal laws. This manual is designed to inform citizens about the initiative and referendum process and to serve as a guide to those who wish to exercise their rights of initiative and referendum.

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This manual is for information purposes only and does not take the place of local, state or federal laws.

Procedures

San Juan County Ordinance No. 25-2008 describes the procedures for filing proposals for initiatives and referenda. Initiatives and referenda are also addressed in Article 5 of the San Juan County Charter.

The sponsor is the person designated by a group of voters to act on their behalf when submitting an initiative or referendum proposal. Any communication delivered to the sponsor is considered delivered to the entire group of voters. The sponsor's name, street address, mailing address, telephone numbers, and email address all need to be included with the proposal.

Within five working days of receiving the initiative or referendum proposal, the Auditor will meet with the sponsor to review the proposal and will assign a number to the proposal. This number will serve as the identifying number for the measure. The Auditor will then transmit a copy of the initiative or referendum proposal to the Prosecuting Attorney.

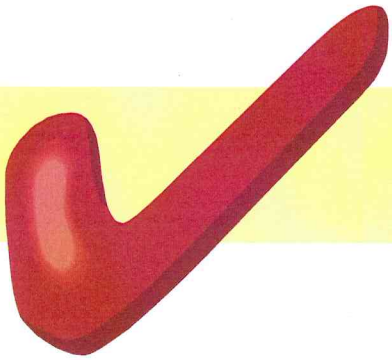
Within ten working days after receiving the proposal and consulting with the sponsor, the prosecuting Attorney will write a concise statement, posed as a positive question, and will supply the sponsor with the currently published *San Juan County Prosecuting Attorney Advisory Memorandum Regarding Initiative and Referendum.* The concise statement will appear on the front of the signature petition form. On the back of the signature petition form will be printed the entire text of the proposed ordinance, clearly showing any portion of an ordinance to be amended.

Before the sponsor begins to collect the signatures, the Auditor will approve the petition form and inform the sponsor of the number of signatures required for validation. The sponsor will then have 120 days in which to collect the needed signatures.

Once the signatures have been collected, the sponsor will deliver to the Auditor the petition forms. The Auditor will then verify each signature. If the number of valid signatures submitted are sufficient, the Auditor will submit the proposal to the people at the next general election that is at least 120 days after the signed petition was delivered to the Auditor for certification.

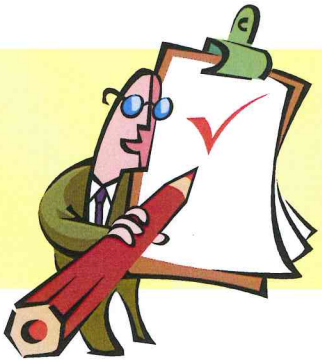
The County Council may adopt the proposal without change or amendment before the printing of the ballots and the measure will not be submitted to the people for a vote. In the case of an initiative proposal, if the County Council does not adopt the proposal but adopts a substitute proposal, concerning the same subject, the substitute proposal will be on the same ballot with the initiative proposal.

Checklist



- ☐ File an initiative or referendum proposal with the San Juan County Auditor.
- ☐ Contact the Washington State Public Disclosure Commission if you expect to receive funds or make expenditures in support of the proposal.
- ☐ Review the proposal with the County Auditor within 5 days.
- ☐ Auditor transmits a copy of the proposal to the Prosecuting Attorney.
- ☐ Review the proposal with the Prosecuting Attorney who, within 10 days, will develop a concise statement which will be the ballot title.
- ☐ Prosecuting Attorney provides the sponsor with a copy of the *San Juan County Prosecuting Attorney Advisory Memorandum Regarding Initiative and Referendum*.
- ☐ Prior to gathering signatures, County Auditor approves the petition form.
- ☐ Within 120 days, collect signatures of registered voters within the county equal to fifteen percent of the votes cast in the county in the last gubernatorial election. In the case of a mini initiative, only three percent of the votes cast in the county in the last gubernatorial election is needed.
- ☐ Auditor validates signatures and if sufficient, submits the proposal to the people at the next general election that is at least 120 days after the signed petition was delivered to the County Auditor for certification.

Example of Proposed Referendum Measure



When filing a referendum proposal with the auditor, it is important to include the following contact information.

Sponsor's Name

Organization Name (if pertinent)

Sponsor's physical address

Sponsor's mailing address

Sponsor's phone #

Sponsor's email address

I, (name)_____ am a legal registered voter or

an organization of legal voters, (name of organization)_____ ,

.

All of whom are legal registered voters in San Juan County.

I or we herewith submit a proposed Referendum Measure on Ordinance #_____. This referendum proposal is being submitted to the Auditor within 45 day after the County Council adopted the ordinance.

This proposal seeks to repeal enacted ordinance #_____

This proposal seeks to repeal a portion of ordinance #_____

As described here

_____

_____

_____

_____

_____

_____

I request that San Juan County Auditor assign the proposed referendum measure a number and transmit a copy to San Juan County Prosecuting Attorney.

Sponsor Contact Information

_____

Name

_____

Physical Address

_____

Mailing Address

_____ _____

Phone Email Address

X _____ _____

Signature of Sponsor Date Signed

Example of Proposed Initiative Measure or Mini Initiative Measure

When filing an initiative proposal with the auditor, it is important to include the following contact information.

Sponsor's Name

Organization Name (if pertinent)

Sponsor's physical address

Sponsor's mailing address

Sponsor's phone #

Sponsor's email address

I, (name)_____ am a legal registered voter or

an organization of legal voters, (name of organization)_____ ,

.

All of whom are legal registered voters in San Juan County.

I (or) we herewith submit this proposed initiative measure as described below:

_____

_____

_____

_____

_____

_____

I request that San Juan County Auditor assign the proposed initiative measure a number and transmit a copy to San Juan County Prosecuting Attorney.

Sponsor Contact Information

_____
Name

_____
Physical Address

_____
Mailing Address

_____ _____
Phone Email Address

X _____ _____
Signature of Sponsor Date Signed

Ballot Titles

The Prosecuting Attorney shall specify the statement of subject and concise description for an initiative to the people and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changes are made on appeal.

The ballot title for an initiative or referendum measure consists of three parts:

1. **A statement of the subject of the measure**

   The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words.

2. **A concise description of the measure**

   The concise description must contain no more than 75 words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

3. **A ballot measure question**

   The ballot measure question for an initiative or mini-initiative is written as *Should this measure be enacted into law?* ☐*yes or* ☐ *no;* or it could be *Should either of these measures be enacted into law?* ☐ *yes or* ☐ *no.*

   The ballot measure question for a referendum is written as *Should this bill be:*
   ☐ *Approved or* ☐ *Rejected*

Ballot Titles Continued

For an initiative to the people for which the County Council has not proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure No. ___ concerns (statement of subject). This measure would (concise description). Should this measure be enacted into law?

Yes ☐
No ☐

For an initiative to the people for which the County Council has proposed an alternative, the ballot title must be displayed on the ballot substantially as follow:

Measure Nos. ___ and ____B concern (statement of subject).

Initiative Measure No. ___ would (concise description).

As an alternative, the legislature has proposed Initiative Measure No. ___B, which would (concise description).

1. Should either of these measures be enacted into law?

Yes ☐
No ☐

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. _____☐
Or
Measure No. _____☐

For a referendum measure on an ordinance that the County Council has adopted, the ballot issue must be displayed on the ballot sustantially as foloow:

"The San Juan County Council adopted Ordinance No. ___ concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This ordinance would (concise description). Should this bill be:

Approved ☐
Rejected ☐

Petitions & Signature Gathering

Once the proposal for an initiative or referendum has been filed with the Auditor, a number has been assigned to the measure, and the Prosecuting Attorney has formulated a concise statement, the sponsor will then begin the signature gathering process.

The petition shall contain on its reverse side the full text of the proposed ordinance, clearly showing any portion of an ordinance to be amended, and on the front of the form the ballot title and a warning against unlawful signing of a petition, and shall include for each signatory a space for his or her printed name, street address, signature and date of signing. Prior to gathering signatures, the Auditor shall approve the form of the initiative petition or referendum petition and will provide written notice informing the sponsor of the approval and the number of signatures required to validate the petition. Only signatures submitted on the approved forms will be counted. Any signatures that have been altered or petition pages that have been altered will not be counted. A valid signature is one of a currently registered voter in San Juan County. The signature must match the signature on file at the Elections Office in order to be counted.

The sponsor will have 120 days from the date of approval of the petition form to collect the needed signatures. The number of signatures needed will equal 15% of the number of votes cast in San Juan County in the last gubernatorial election or in the case of a mini initiative, 3% of the number of votes cast in San Juan County in the last gubernatorial election.

Upon timely submission of the signed petitions, the County Auditor shall certify in writing to the sponsor, with a copy to the County Council, the number of valid signatures submitted. If the signatures are valid and sufficient, the initiative proposal or referendum proposal shall be submitted to the people at the next general election that is at least 120 days after the signed petition was delivered to the County Auditor for certification.

Online Voters' Guide And Local Voters' Pamphlet

Ballot titles, explanatory statements, and advocacy statements for initiatives and referenda will be published in the Online Voters' Guide and Local Voters' Pamphlet. The Local Voters' Pamphlet is published in conjunction with the Washington State Voters' Pamphlet and will be mailed during the same week ballots are mailed to voters. It is important to submit material for the Local Voters' Pamphlet in a timely manner because the Elections Office has a strict deadline by which to submit their pamphlet pages to the state for publishing.

Submission of materials for the Online Voters' Guide may be made anytime before Election Day. Of course, the sooner the materials are submitted the sooner the voters will be able to access them online.

The County Council will appoint committees of no more than three to prepare arguments advocating for and against voters' approval of the initiative or referendum measure. If the Council fails to make such appointments, the County Auditor will whenever possible make the appointments.

The advocacy statements will be limited to 200 words written in paragraph style. The advocacy committee's name, the name of each committee member and the contact person's address, telephone number, email and/or website address should appear at the top of the statement. The names of committee members and their titles will be printed in the voters' pamphlet. The committee may decide what contact information, if any, they would like published.

Instructions for submitting advocacy statements are available at the Elections Office.

Public Disclosure Commission

Washington State political committees that raise and spend money to influence certain elections must register and report in accordance with the Public Disclosure Law. According to the disclosure law, your organization becomes a political committee when you first have the expectation of receiving contributions or making expenditures in support of, or opposition to, a candidate or any ballot proposition.

Within two weeks of forming a committee or expecting to receive or spend funds (whichever occurs first), every political committee must file a registration statement (C-1pc) with the PDC and the County Auditor. Whether you will need to file addition forms will depend on the dollar amount your committee expects to receive or spend.

Filing can be done electronically. Form templates, brochures and manuals are available on the PDC web site at www.pdc.wa.gov under Filer Assistance.

For more information, contact the PDC at:

Public Disclosure Commission
711 Capitol Way Rm 206
PO Box 40908
Olympia WA 98504-0908
(360) 753-1111
Toll Free 1-877-601-2628
pdc@pdc.wa.gov
http://www.pdc.wa.gov

Circulating Petition Tips

Circulating Petitions on Public Property

If you are thinking of circulating petitions on public property, such as parks or post offices, it is good practice to talk to the unit of government involved about any concerns they might have, including whether there might be any permit requirements. There might be other legitimate restrictions or concerns involved, such as making sure that you do not block traffic or interfere with other activities that are taking place at the same time.

Circulating Petition on Private Property

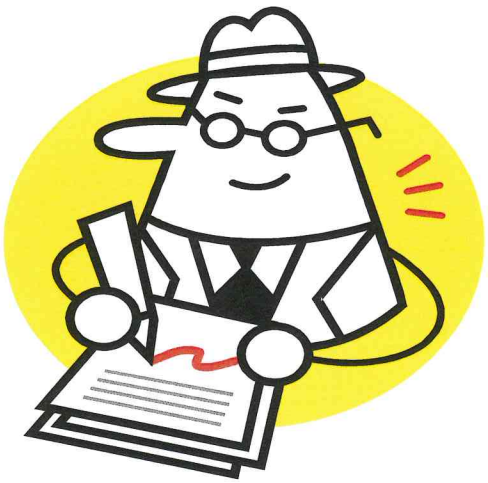
It is also a good idea to ask permission before circulating petitions on private property, such as grocery stores or retail businesses. In general private property owners have a right to determine whether or not they will permit signature gathering on their premises. Washington courts have explained that when initiative or referendum supporters collect signatures on private property, there might be limits so that the activity does not interfere with what other people are doing on the property. Just what limits might be reasonable will depend on the circumstances, including how big the area is, the potential for blocking traffic or interfering with the business involved, or perhaps whether somebody else has already made arrangements to be on the property at a particular time. The Supreme Court has indicated that most private property owners can decide whether or not to permit petition circulation, with only a narrow exception. The only kind of property where the court has found a clear right to circulate petitions is large regional shopping malls.

Signature Tips

The voter has the right to read the petition before signing. Most signature gatherers attach the petition to a clip board or other hard surface. This makes it easier for the signer to produce a legible signature. Remember each signature collected will be compared to the signature on file at the Elections Office. It is also a good practice to ask the signer to write in their physical address on the petition, not their Post Office Box or Private Mail Box address. The signer has the right to read any part or all of the petition text, even if this means removing the petition from a clip board.

Opponents

As a matter of freedom of speech, opponents of an initiative or referendum have the right to express their opinion. An opponent, however, does not have the right to interfere with the petition process. In fact, it is a gross misdemeanor to interfere with somebody else's right to sign a petition. Opponents can certainly express their opinion, but they must remember that other people have rights to their opinions as well, including the right to sign petitions or not.



Ordinance No. 25-2008

An Ordinance Establishing Procedures for the Exercise of the Rights of Initiative and Referendum

Whereas, Section 5.10 of the San Juan County Charter states, "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"; and

Whereas, Section 5.20 of the San Juan County Charter states, in pertinent part, "The people reserve to themselves the power of initiative"; and

Whereas, Section 5.40 of the San Juan County Charter states, in pertinent part, "The people reserve for themselves the power of referendum"; and

Whereas, Section 5.70 of the San Juan County Charter states, "The Legislative Body shall enact ordinances to promote the carrying out of the provisions of this Article"; and

Whereas, the County Council desires to guarantee that the County Code is consistent with the San Juan County Charter; and

Whereas, the County Council finds that this ordinance satisfies the health, safety and public welfare of the people of San Juan County; and

Whereas, the County conducted a duly advertised public hearing on May 13, 2008, and has received public testimony.

Now, Therefore, Be It Ordained by the County Council of San Juan County, State of Washington, as follows:

Section 1. Purpose.
This ordinance is required by Section 5.70 of the County Charter and is adopted to carry out the provisions of Article 5 of the County Charter and to establish an orderly and predictable process for the exercise of the rights of initiative and referendum.

Section 2. Initiative – Procedures

1. A San Juan County registered voter or group of voters may sponsor an initiative proposal, by filing with the County Auditor a proposal to enact a new ordinance or an amendment to an existing ordinance.
2. When a group of voters files an initiative proposal, one person shall be designated in the filing as "the sponsor." The sponsor of a group of voters submitting an initiative proposal shall have the power to act on behalf of all other members of the group. A notice, service of lawsuit papers, or other communication concerning the initiative proposal, may be delivered to the designated sponsor, and is considered to be a notice to the entire group of voters. Every initiative proposal shall include the name, street address, mailing address, telephone numbers, and e-mail address of the sponsor.
3. Within five (5) working days of receiving the initiative proposal, the Auditor shall confer with the sponsor to review the proposal as to form and style, shall register the initiative proposal by assigning it a number, which will thereafter be the identifying number for the measure, and shall transmit a copy of the initiative proposal to the Prosecuting Attorney.
4. Within the (10) working days after receiving the initiative proposal, and after consulting with the sponsor, the Prosecuting Attorney 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 shall be the ballot title. At the time of consulting with the sponsor, the Prosecuting Attorney shall provide the sponsor with a copy of the currently published San Juan County Prosecuting Attorney Advisory Memorandum Regarding Initiative and Referendum.
5. Each initiative petition shall contain on its reverse side the full text of the proposed ordinance, clearly showing any portion of an ordinance to be amended, and on the front of the form the ballot title and a warning against unlawful signing of a petition, and shall include for each signatory a space for his or her printed name, street address, signature and date of signing, which shall be substantially in the form as shown in Attachment A (Form Initiative Petition). All petitions shall be on white paper, legibly printed, and all signatures shall be executed in ink.
6. Prior to gathering signatures, the Auditor shall approve the form of the initiative petition and shall provide a written notice informing the sponsor of the approval and the number of signatures required to validate the petition. Only those signatures submitted on forms that have been duly approved will be counted. Any signatures on a petition that has been altered shall be invalid and shall not count toward the number of signatures to validate the petition. Altering a petition includes, but is not limited to, adding any unapproved language to the petition, whether typed or handwritten, crossing-out, covering or obscuring any approved language on the petition, or underlining or highlighting any words or parts of the

petition.

7. The sponsor has one hundred twenty (120) days from the date of approval of the form of the petition to collect the signatures of registered voters in the County equal in number to at least fifteen percent (15%) of the number of votes cast in the County in the last gubernatorial election. For purposes of satisfying this percentage, "the number of votes cast in the County in the last gubernatorial election" shall be the number of ballots lawfully cast in said election.

8. The sponsor may withdraw and another qualified voter may substitute as the sponsor.

9. The sponsor may withdraw the petition at any time prior to the certification of the signatures by the County Auditor. Upon timely submission of the signed petitions, the County Auditor shall, with reasonable promptness, certify in writing to the sponsor, with a copy to the County Council, the number of valid signatures submitted. If the signatures are valid and sufficient, the initiative proposal shall be submitted to the people at the next general election that is at least one hundred twenty (120) days after the signed petition was delivered to the County Auditor for certification.

Section 3. Initiative – Alternative/Vote

1. The County Council may chose to adopt the initiative proposal without change or amendment before the printing of the ballots. If the County Council adopts in a timely fashion the initiative proposal without change or amendment, the sponsor shall be so notified in writing and the proposal shall not be submitted to the people for a vote, and any ordinance so adopted shall not be amended or repealed by the County Council within two (2) years after adoption unless amended or repealed by a subsequent initiative or referendum.

2. If the County Council does not adopt the initiative proposal but adopts a substitute proposal concerning the same subject matter, the County Council's substitute proposal shall be placed on the same ballot with the initiative proposal.

3. The voters shall vote to accept either proposal, without specifying which proposal, or to reject both proposals. The voters shall then vote to accept one proposal and to reject the other. If a majority of those voting vote to accept either proposal, then the proposal receiving the most votes shall be deemed approved. If a majority of those voting vote to reject both proposals, then neither proposal shall be approved, regardless of the vote on accepting one proposal and rejecting the other.

To implement this section, the ballot titles of both bills shall be printed on the official ballots so that a voter can choose separately by making one cross (X) or mark for each of two preferences: first, as between either measure and neither, and secondly, as between one and the other. Only if a majority of all votes cast favor either bill in the first proposition, shall one of the bills so proposed be adopted. The measure adopted shall be the measure receiving the greater number of votes of the alternative measures.

Section 4. Initiative – Limitations

1. An initiative proposal shall not contain more than one (1) issue.

2. An initiative proposal shall not require the expenditure of additional funds for an existing activity or any funds for a new activity or purpose, unless provisions are specifically made therein for new or additional sources of revenue that may thereby be required.

3. An initiative proposal shall not have as its subject the redistricting of the legislative districts.

4. An initiative proposal shall not be put to the people for a vote where the subject of the initiative is not subject to the power of initiative as determined by constitution, statues, or case law of the state of Washington. When a superior court has declared that the proposed initiative is not subject to the power of initiative, the County Auditor shall not place the matter on the ballot unless a final ruling is made by an appellate court reversing the decision of the superior court, in which case the County Auditor shall place the matter on the next general election that is at least 120 day after said ruling.

Nothing in this section shall require or prevent the San Juan County Council or any person with standing from seeking or waiving the right to seek a declaration from the courts about whether an initiative proposal is the proper subject of initiative either before or after the matter has been subject to a vote.

Section 5. Initiative – Restriction on Amending or Repealing

No ordinance enacted by power of initiative shall be amended or repealed by the County Council within two (2) years after enactment.

Section 6. Mini-Initiative

1. A mini-initiative is a request to the County Council to enact a local ordinance. A voter or group of voters may sponsor a mini-initiative proposal by filing with the County Auditor a proposal to enact a new ordinance or an amendment to an existing ordinance.

2. When a group of voters files a mini-initiative proposal, one person shall be designated as "the sponsor". The sponsor of a group of voters submitting a mini-initiative shall have the power to act on behalf of all other members of the group. A notice, service of lawsuit papers, or other communication concerning the mini-initiative proposal, may be delivered to the designated sponsor, and is considered to be a notice to the entire group of voters. Every mini-initiative proposal shall

include the name, street address, mailing address, telephone numbers, an e-mail address of the sponsor.

3. Within five (5) working days of receiving the mini-initiative proposal, the Auditor shall confer with the sponsor to review the proposal as to form and style, and shall register the mini-initiative proposal by assigning it a number, which will thereafter be the identifying number for the measure.

4. Each mini-initiative petition shall contain on the reverse side of the form the full text of the proposed ordinance, clearly showing any portion to be amended, and on the front of the form a warning against unlawful signing of a petition, and shall include for each signatory space for his or her printed name, street address, signature, and date of signing, which shall be substantially in the form as shown in Attachment B (Form Mini-Initiative Petition). All petitions shall be on white paper, legibly printed, and all signatures shall be executed in ink.

5. Prior to gathering signatures, the Auditor shall approve the form of the mini-initiative petition and shall inform the sponsor of the number of signatures required to validate the petition. Only those signatures submitted on forms that have been duly approved will be counted. Any signatures on a petition that has been altered shall be invalid and shall not count toward the number of signatures required to validate the petition. Altering a petition includes, but is not limited to, adding any unapproved language to the petition, whether typed or handwritten, crossing-out, covering or obscuring any approved language on the petition, or underlining or highlighting any words or parts of the petition.

6. The sponsor must submit signatures of registered voters in the County equal in number to at least three percent (3%) of the number of votes cast in the County in the last gubernatorial election. For purposes of satisfying this percentage, "the number of votes cast in the County in the last gubernatorial election" shall be the number of ballots lawfully cast in said election.

7. The sponsor may withdraw and another qualified voter may substitute as the sponsor.

8. The sponsor may withdraw the petition for a mini-initiative at any time prior to the certification of the signatures by the County Auditor.

9. Upon timely submission of the signed petitions, the Auditor shall, with reasonable promptness, certify in writing to the sponsor the number of valid signatures submitted, and, if the signatures are sufficient, that the mini-initiative proposal shall be transmitted to the County Council, which shall hold a public hearing on the proposed ordinance and adopt or reject the ordinance within sixty (60) days.

A mini-initiative is subject to the same limitations as set forth above for initiatives.

Section 7. Failed Initiative as Mini-Initiative

If the sponsor of an initiative proposal fails to obtain the required number of signatures within the designated time period, but has sufficient signatures to qualify the proposal as a mini-initiative, the proposal, at the request of the sponsor, shall be treated as a mini-initiative. The sponsor shall notify the County Auditor in writing of his or her desire to treat the proposal as a mini-initiative within ten (10) days of receiving notice from the Auditor that the number of signatures for the initiative proposal was insufficient to qualify the proposal for submission to the people at the next general election.

Section 8. Referendum – Procedures.

1. A voter or group of voters may sponsor a referendum proposal by filing with the County Auditor a proposal to repeal any enacted ordinance, or portion thereof.

2. When a group of voters files a referendum proposal, one person shall be designated as "the sponsor". The sponsor of a group of voters submitting a referendum shall have the power to act on behalf of all other member of the organization. A notice, service of lawsuit paper, or other communication concerning the initiative proposal may be delivered to the designated sponsor, and is considered to be a notice to the entire group of voters. Every referendum proposal shall include the name, street address, mailing address, telephone numbers, and e-mail address of the sponsor.

3. The referendum proposal shall be presented to the Auditor within forty-five (45) days after the County Council adopts the ordinance at issue.

4. Within five (5) working days of receiving the referendum proposal, the Auditor shall confer with the sponsor to review the proposal as to form and style, shall register the referendum proposal by assigning it a number, which will thereafter be the identifying number for the measure, and shall transmit a copy of the referendum proposal to the Prosecution Attorney.

5. Within ten (10) days after receipt thereof, the Prosecuting Attorney shall, after consulting with the sponsor, determine whether the referendum seeks to repeal all or a portion of an ordinance and then 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 ordinance. Such concise statement shall be the ballot title. At the time of consulting with the sponsor, the Prosecuting Attorney shall provide the sponsor with a copy of the currently published San Juan County Prosecuting Attorney Advisory Memorandum Regarding Initiative and Referendum.

6. Each referendum petition shall contain on its reverse side the full text of the ordinance proposed to be repealed, whether in whole or in part, clearly showing the portion to be repealed, and on the front of the form the ballot title and a warning against unlawful signing of a petition, and shall include for each signatory space for his or her printed name, street address, signature and date of signing, which shall be substantially in the form as shown in Attachment C (Form

Referendum Petition).

7. Prior to gathering signatures, the Auditor shall approve the form of the referendum petition and shall inform the sponsor of the number of signatures required to validate the petition. Only those signatures submitted on forms that have been duly approved will be counted. Any signatures on a petition that has been altered shall be invalid and not count toward the number of signatures required to validate the petition. Altering a petition includes, but is not limited to, adding any unapproved language to the petition, whether typed or handwritten, crossing-out covering or obscuring any approved language on the petition, or underlining or highlighting any words or parts of the petition.

8. The sponsor has one hundred twenty (120) days from the date of approval of the form of the petition to collect the signatures of registered voters in the County equal in number to at least fifteen percent (15%) of the number of votes cast in the County in the last gubernatorial election. For purposes of satisfying this percentage, "the number of votes cast in the County in the last gubernatorial election" shall be the number of ballots lawfully cast in said election.

9. The sponsor may withdraw and another qualified voter may substitute as the sponsor.

10. The sponsor may withdraw the petition at any time prior to the certification of the signatures by the County Auditor. Upon timely submission of the signed petitions, the County Auditor shall, with reasonable promptness, certify in writing to the sponsor the number of valid signatures submitted, and if the signatures are sufficient, that the referendum proposal shall be submitted to the people at the next general election that is at least one hundred twenty (120) days after the petition was delivered to the County Auditor for certification.

Section 9. Referendum – Vote

The county Council may choose to adopt the referendum proposal without change or amendment before the printing of ballots. If the County Council adopts in a timely fashion the referendum proposal without change or amendment, the sponsor shall be so notified in writing and the proposal shall not be submitted to the people for a vote.

Section 10. Referendum – Limitations

1. A referendum shall not seek to repeal, in whole or in part, such ordinances as may be necessary for the immediate preservation of the public peace, health or safety.

2. A referendum proposal shall not be put to the people for a vote where the subject of the initiative is not subject to the power of referendum as determined by constitution, statutes, or case law of the state of Washington. When a superior court has declared that the proposed referendum is not subject to the power of referendum, the County Auditor shall not place the matter on the ballot unless a final ruling is made by an appellate court reversing the decision of the superior court, in which case the County Auditor shall place the matter on the next general election that is at least 120 days after said ruling.

Nothing in this section shall require or prevent the San Juan County Council or any other person with standing from seeking or waiving the right to seek a declaration form the courts of whether a referendum proposal is the proper subject of referendum either before or after the matter has been subject to a vote.

Section 11. Referendum – Ordinance Rendered Ineffective Pending Vote

Upon the Auditor certifying that there are sufficient valid signatures on a referendum petition, the ordinance subject to the referendum shall be rendered ineffective pending the outcome of the referendum vote. Where a referendum petition seeks to repeal only part of an ordinance, only that part shall be rendered ineffective and the referendum petition shall not delay the remainder of the ordinance form taking effect. When a superior court has declared that a proposed referendum is not subject to the power of referendum, the ordinance shall be revived and effective unless the ruling is reversed on appeal.

Section 12 Numbering System

When assigning numbers to initiatives, mini-initiatives, and referendums, the Auditor shall use a separate sequential series for each category. Once a number has been assigned, it shall not be reassigned.

Section 13. Ballot titles and Display

The ballot title for an initiative to the people, a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in the section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than seventy-five words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonable possible, create prejudice either for or against the measure.

For an initiative to the people for which the County Council has not proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure No . . . . concerns (statement of subject). This measure would (concise description). Should this measure be enacted into law?

Yes. . . o
No . . . o "

For an initiative to the people for which the County Council has proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:
"Initiative Measure Nos . . . . and . . . B concern (statement of subject).

Initiative Measure No . . . . would (concise description).

As an alternative, the legislature has proposed Initiative Measure No . . . B, which would (concise description).

Should either of these measures be enacted into law?

Yes. . . o
No . . . o

Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure
No. . . . o

Or

Measure
No. . . . . o "

For a referendum measure on an ordinance County Council has adopted, the ballot issue must be displayed on the ballot substantially as follows:

"The San Juan County Council adopted Ordinance No. . . . Concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This ordinance would (concise description). Should this bill be:

Approved . . . o
Rejected . . . o "

The prosecuting attorney shall specify the statement of subject and concise description for an initiative to the people and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

Section 14. Prosecuting Attorney's Advisory Memorandum

1. The Prosecuting Attorney shall provide the County Council by September 1, 2008, and advisory memorandum that will assist initiative sponsors and county officials to evaluate whether, under the constitution, statutes and case law of the state of Washington, a proposed initiative or referendum is the proper subject of an initiative or referendum.
2. The Prosecuting Attorney shall once each year review and update the advisory memorandum to reflect current court decisions.
3. Nothing in this section shall require or prevent the Prosecuting Attorney, the County Council, or any other elected official evaluating or taking a position as to whether a proposed initiative or referendum is the proper subject of initiative or referendum. Nothing in this section grants a private party the right to seek judicial relief requiring compliance with the provisions of this section.

Nothing in this section shall preclude a citizen, the County, or an elected official from requesting a pre-election or post-election declaratory judgment from a court and thereby invoke the court's inherent power to rule on whether a referendum or initiative measure is beyond the scope of the power of imitative or referendum.

Section 15. Effective Date
This ordinance is effective on the 10th working day after adoption

Section 16. Codification
Sections 1 through 14 shall be codified.

ATTEST: Clerk of the Council

By: Signed
Ann Larson, Clerk
Date:

REVIEWED BY COUNTY ADMINISTRATOR

Signed
Pete Rose Date

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: Signed
Date

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

Signed
Howard Rosenfeld, Chair
District 3, Friday Harbor

Signed
Bob Myhr, Member
District 6, Lopez/Shaw

Signed
Kevin M. M. Ranker, Member
District 2, San Juan South

Signed
Rich Peterson, Member
District 2, San Juan North

Signed
Alan Lichter, Member
District 4, Orcas West/Waldron

Signed
Gene Knapp, Vice-Chair
District 5, Orcas East

Attachment A

Ordinance NO. 25-2008

Form Initiative Petition

Warning

Every person who signs this petition with any other than his or her true name, or knowingly signs more than one of these petitions, or signs this petition when he or she is not a legal voter, or signs this petition when he or she is otherwise not qualified to sign, or makes any false statement on this petition, may be punished by a fine or imprisonment or both.

Initiative petition for Submission to the San Juan County Council

TO: The County Council of San Juan County:

We, the undersigned registered voters of San Juan County, Washington, residing at the addresses set forth opposite our respective names, being equal in number to at least fifteen percent (15%) of the number of votes cast in the County in the last gubernatorial election, respectfully request that the following ordinance be enacted without alteration by the County Council or, if not so enacted, be submitted to a vote of the residents of San Juan County. The title of said ordinance is as follows:

[Insert ballot title here.]

A full, true and correct copy of the ordinance is reproduced on the reverse side of this petition.

Each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of San Juan County, State of Washington; and my residence address is correctly stated on this petition.

	Signature	Printed Name	Physical Address (Number, Street, and City)	Date Signed
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

Attachment B

Form Mini-Initiative Petition

Warning

Every person who signs this petition with any other than his or her true name, or knowingly signs more than one of these petitions, or signs this petition when he or she is not a legal voter, or signs this petition when he or she is otherwise not qualified to sign, or makes any false statement on this petition, may be punished by a fine or imprisonment or both.

Mini-Initiative petition for Submission to the San Juan County Council

TO: The County Council of San Juan County:

We, the undersigned registered voters of San Juan County, Washington, residing at the addresses set forth opposite our respective names, being equal in number to at least three percent (3%) of the number of votes cast in the County in the last gubernatorial election, respectfully request that the following ordinance be enacted without alteration by the County Council. The title of said ordinance is as follows:

> [Insert ballot title here title, ensuring that the proposed ordinance does not contain more than one subject and that the subject is clearly expressed in the title.]
>
> **A full, true and correct copy of the ordinance is reproduced on the reverse side of this petition.**

Each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of San Juan County, State of Washington; and my residence address is correctly stated on this petition.

	Signature	Printed Name	Physical Address (Number, Street, and City)	Date Signed
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

Attachment C

Form Referendum Petition

Warning

Every person who signs this petition with any other than his or her true name, or knowingly signs more than one of these petitions, or signs this petition when he or she is not a legal voter, or signs this petition when he or she is otherwise not qualified to sign, or makes any false statement on this petition, may be punished by a fine or imprisonment or both.

Referendum Petition for Submission to the San Juan County Council

TO: The County Council of San Juan County:

We, the undersigned registered voters of San Juan County, Washington, residing at the addresses set forth opposite our respective names, being equal in number to at least fifteen percent (15%) of the number of votes cast in the County in the last gubernatorial election, respectfully request that (the entirety) or (designated sections) of Ordinance No. _____be repealed by the County Council or, if not so repealed, be referred to a vote of the residents of San Juan County for their approval or rejection. The title of said ordinance is as follows:

[Insert ballot title here.]

A full, true and correct copy of the ordinance is reproduced on the reverse side of this petition.

Each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of San Juan County, State of Washington; and my residence address is correctly stated on this petition.

	Signature	Printed Name	Physical Address (Number, Street, and City)	Date Signed
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				