

ORDINANCE NO. \_\_\_\_\_

An ordinance relating to initiatives and referendums; amending sections 2.02.020, 2.02.030 2.02.040, 2.02.055, 2.02.060, 2.02.090, 2.02.115 and 2.02.140 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That section 2.02.020 of the Spokane Municipal Code is amended to read as follows:

**2.02.020 In General**

A legal resident of the City of Spokane or a political committee as defined in RCW 42.17A.005(37), whose mailing address is in the City of Spokane and whose campaign manager, treasurer, or committee officer(s) is a qualified, registered elector in the City of Spokane, may petition the (~~city council~~) City Council, under the authority of the Spokane City Charter, Article IX, section 82, to ordain a proposed measure, either an ordinance or a charter amendment. The resident or political committee representative sponsoring the proposed measure shall provide documentation to the City Clerk at the time the measure is filed verifying that the requirements of this section have been met.

Section 2. That section 2.02.030 of the Spokane Municipal Code is amended to read as follows:

**Section 2.02.030 Filing of Initiative Measure**

- A. In order to facilitate the processing of a proposed initiative measure, a petitioner shall file the proposed measure with the (~~city clerk~~) City Clerk.
- B. The proposed measure must contain the (~~mailing~~) street address of the petitioner and telephone number of the petitioner or petitioner's representative, and the name, street address, telephone number and UBI number of any signature gathering firm commissioned by the petitioner to gather citizen signatures.
- C. The (~~city clerk~~) City Clerk must immediately transmit a copy of the proposed measure to the city attorney.
- D. Within two weeks after receiving the measure, the (~~city attorney~~) City Attorney prepares, after consultation with the petitioner(s), a ballot title and summary of the measure and files them with the (~~city clerk~~) City Clerk.
  - 1. The ballot title shall consist of:
    - a. A statement of the subject measure, which 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 (10) words;

- b. A concise description of the measure, which must be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, to the extent reasonably possible, not create prejudice either for or against the measure and not exceed seventy-five (75) words. When practicable, the question posed by the ballot title is written in such way that an affirmative answer to the question and an affirmative vote on the measure would result in a change in the law; and
- c. A question.

~~((The statement of the subject 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. ~~((The concise description must be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, to the extent reasonably possible, not create prejudice either for or against the measure and not exceed seventy-five words. When practicable, the question posed by the ballot title is written in such way that an affirmative answer to the question and an affirmative vote on the measure would result in a change in the law.))~~
- 3. The summary of the measure should be a clear and concise statement not to exceed one hundred fifty (150) words.
- 4. Neither ~~((The))~~ the ballot title ~~((and))~~ nor the summary of the measure shall ~~((not be))~~ contain argumentative language or language or graphic elements which are likely to create prejudice for or against the measure.
- E. In addition to preparing the ballot title and summary of the measure, the ~~((city attorney))~~ City Attorney shall review the proposed measure for such matters as form and style. The ~~((city attorney))~~ City Attorney shall edit the measure as necessary to correct obvious typographical errors, conform the language to Spokane Municipal Code format and style, or eliminate ambiguity. Any such editorial revisions are made on a separate sheet from the measure as submitted and clearly identified. All editorial revisions shall be provided to the sponsor and the ~~((city clerk))~~ City Clerk at the same time the ~~((city attorney))~~ City Attorney files the ballot title and summary of the measure with the ~~((city clerk))~~ City Clerk.
- F. Upon receipt of the ballot title and summary of the measure from the ~~((city attorney))~~ City Attorney, the ~~((city clerk))~~ City Clerk assigns ~~((a))~~ an initiative number by which the measure is identified. The ~~((city clerk))~~ City Clerk affixes the ballot title and summary to the original of the proposed measure or the measure as revised pursuant to this section, inscribes the identifying number upon it and retains it in the official file.
- G. The ~~((city clerk))~~ City Clerk must immediately furnish a copy of the proposed measure with its ballot title and summary to the sponsor and prepare a report to the ~~((city council))~~ City Council for the next agenda.

Section 3. That section 2.02.040 of the Spokane Municipal Code is amended to read as follows:

**2.02.040 Council Action on Initiative Measure**

- A. Upon receiving the report regarding an initiative from the ~~((city-clerk))~~ City Clerk, the ~~((city-council))~~ City Council may pass the measure as proposed or submit the initiative measure to the voters on its own motion.
- B. If the ~~((city-council))~~ City Council does not take either action set for in subsection (A), the initiative and the ballot title and summary of the measure shall be forwarded by the ~~((city-clerk))~~ City Clerk to the city ~~((hearing-examiner))~~ Hearing Examiner who shall issue a formal written opinion as to the legal validity and effect of the proposed measure. Within fourteen (14) days of receiving the initiative measure from the ~~((city-clerk))~~ City Clerk, the ~~((hearing-examiner))~~ Hearing Examiner shall file his or her written opinion with the ~~((city-council))~~ City Council and the ~~((city-clerk))~~ City Clerk with a copy provided to the initiative measure sponsor.
- C. Within seven (7) days of receipt of the ~~((hearing-examiner's))~~ Hearing Examiner's written opinion, the initiative measure sponsor shall notify the ~~((city-clerk))~~ City Clerk in writing of the sponsor's decision to proceed with collecting signatures for the initiative measure or to revise the initiative measure based upon the ~~((hearing-examiner's))~~ Hearing Examiner's written opinion. If the sponsor elects to proceed with gathering signatures, the time period to collect and file petition signatures set forth in SMC 2.02.055 shall begin to run from the date the sponsor's written decision is filed with the ~~((city-clerk))~~ City Clerk. The sponsor shall provide the City Clerk with a copy of the petition sheet the sponsor shall use for the collection of signatures. If the sponsor elects to revise the initiative measure, the ~~((city-council))~~ City Council shall discontinue processing the originally filed initiative measure. The initiative sponsors may file a revised initiative measure, which shall be submitted to the ~~((city-clerk's))~~ City Clerk's office pursuant to SMC 2.02.030.

Section 4. That SMC section 2.02.055 is amended to read as follows:

**2.02.055 Petition Signatures**

- A. Prior to circulation for signatures, an initiative petition shall have received an assigned initiative number from the ~~((city-clerk's))~~ City Clerk's office and a written opinion from the ~~((hearing-examiner))~~ Hearing Examiner regarding the legal validity and effect of the proposed measure and the petition sponsor shall have informed the City Clerk of the sponsor's decision to proceed with collecting signatures and provided the city clerk with a copy of the petition sheet both pursuant to SMC 2.02.040.

B. Signed petitions must be filed with the ~~((city clerk))~~ City Clerk within one hundred and eighty ~~((three hundred sixty five))~~ days from the date the sponsor files a written decision to proceed with the signature gathering pursuant to SMC 2.02.040. If the one hundred and eightieth ~~((three hundred sixty fifth))~~ day lands on a Saturday, Sunday, or a legal holiday, the petitions may be filed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday.

~~((C. The sponsor of the initiative may submit additional petition signatures at any time during the three hundred sixty five day period until a sufficient number of signatures have been validated to place the measure on a ballot; however, if the additional petition signatures are submitted later than one hundred twenty calendar days prior to the next election, the measure, if otherwise valid, will be placed on the ballot at the next appropriate election pursuant to section 82 of the City Charter.))~~

~~((D))~~C. Petition signatures collected after the ~~((three hundred sixty five))~~ one hundred eighty day period will not be counted towards a previously filed initiative.

~~((G))~~D. A person who has signed an initiative petition may withdraw his or her signature from a petition by submitting to the ~~((city clerk))~~ City Clerk a written request for the withdrawal of the signature up to the time the ~~((city clerk))~~ City Clerk is directed by the ~~((city council))~~ City Council to validate the signatures.

E. All signatures shall be signed legibly in dark ink.

Section 5. That section 2.02.060 of the Spokane Municipal Code is amended to read as follows:

### **2.02.060 Form of Initiative Petition**

- A. It is the obligation of the sponsor of the measure to print petitions for circulation of the proposed initiative measure. The sponsor is responsible to conform the petition to the requirements of this chapter as to form and content, to determine the number of signatures required, and to print enough petition sheets to accommodate sufficient signatures.
- B. The paper used for the petition sheets must be of sufficient weight and quality to accommodate printing and writing on both sides. Paper size should be between eight and twelve inches wide and between eleven and eighteen inches long. Printing should be no smaller than ten-point face, except that the full text of the measure may be in smaller type if necessary to allow the entire petition to be on a single sheet of paper. For reasons of length of text or other practical necessity, the specifications of this section may be adjusted as the sponsor and ~~((city clerk))~~ City Clerk may agree.
- C. The measure must be typed or printed and be in the form of an ordinance, with a title and the entire text of the section(s) proposed to be added, amended or

repealed. When the proposed measure would amend existing law, the text shall be in the following format:

1. Language to be deleted is set forth in full and enclosed in double parentheses or brackets and may be lined out by hyphens.
  2. New language to be added is underlined, unless an entire new section or subsection is being added; and
  3. Deletions of existing language precede additions of new language.
- D. The mandatory elements of the petition sheet are:
1. a warning to potential signers regarding possible election law violations;
  2. a heading;
  3. horizontal lines numbered 1- 20 for the entry of data under ~~((four))~~ vertical columns (or ~~((four))~~ boxes);
  4. the full text of the measure;
  5. the name and street address of the sponsor (political committee representative or individual legal resident);
  6. the name, street address, and telephone number of any and all signature gathering firms being utilized by the sponsor or political committee;
  7. the number of the measure; ~~((and))~~
  8. a ballot title and summary of the measure; and
  9. the declaration of the signature gatherer.
- E. Every petition sheet must include the following signed declaration of the signature gatherer. All petition signatures on a petition sheet that does not include the declaration statement signed by the signature gatherer shall be void and shall not be included in the tabulation for validation. The signature gatherer declaration shall be as follows:

I, . . . . ., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

~~((E))~~F. The warning, heading, initiative number, body of the petition containing the ballot title, ~~((and summary of the measure, and))~~ numbered signature lines, declaration of the signature gatherer, and summary of the measure must appear in that order on the front of each petition sheet. The ~~((other elements))~~ full text of the measure may be located on the front or the back of the petition sheet as the sponsor determines.

G. An initiative petition shall only include language and provisions set forth in Chapter 2.02 SMC and may not be altered after being assigned an initiative number by the City Clerk pursuant to SMC 2.02.030. The sponsor may only

modify the format of the petition sheet to accommodate the size of the petition sheet and the font of the print consistent with SMC 2.02.060 and may not alter the substance of the text or include additional information. Any petition sheet that includes additional information beyond what was included on the initiative petition sheet submitted to the City Clerk pursuant to SMC 2.02.030 D. and E and which had been assigned an initiative number shall be deemed invalid and the petition signatures shall not be included in the tabulation for validation.

((F))H. Each sheet of the petition must be in substantially the following form:

**WARNING**

~~((Under Washington State law every))~~ Every person who signs ~~((an initiative or referendum))~~ this petition with any other than his or her true name, knowingly signs more than ~~((one))~~ one of these petitions, ~~((or))~~ signs this petition when he or she is not a legal voter ~~((; or signs a petition when he or she is otherwise not qualified to sign)), or ((who))~~ makes any false statement on ~~((such))~~ this petition may be ~~((guilty of a misdemeanor))~~ punished by fine or imprisonment .

**INITIATIVE PETITION TO THE SPOKANE CITY COUNCIL**

**[INITIATIVE NO. \_\_\_\_\_ ]**

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed ordinance [known as Initiative No. \_\_\_\_\_ ], a full, true and correct copy of which is printed herein, be passed without alteration by the Spokane City Council, or be submitted to the electors of the City of Spokane for their approval or rejection at the next available special or general municipal elections. [If submitted to election the proposed ordinance shall appear as the following proposition:

**(ballot title)**

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

<b>PETITIONER'S SIGNATURE</b> (as on voter registration)	<b>PRINTED NAME</b>	<b><del>((RESIDENCE))</del></b> <b>ADDRESS WHERE REGISTERED TO VOTE</b> (Street Address, <u>City</u> , <u>State</u> , <u>Zip Code</u> )	<b><del>((DAYTIME PHONE (optional)))</del></b>	<b><del>((CHECK IF REGISTERED ADDRESS IS DIFFERENT))</del></b>
<u>1.</u>				

<u>20.</u>				

~~((etc.))~~ (Name, street address and phone number of sponsor)

DECLARATION OF SIGNATURE GATHERER

I, . . . . ., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

**[(summary of measure)]**

(full text of measure)

Section 6. That SMC section 2.02.115 is amended to read as follows:

**2.02.115 Appeal of Ballot Title and Legal Challenge Regarding Legal Validity of Initiative Measure**

- A. Any person, including the sponsor of an initiative measure or referendum, the ~~((city council))~~ City Council or the city administration, dissatisfied with the ballot title prepared by the ~~((city attorney))~~ City Attorney may file an appeal in ~~((superior court))~~ Spokane County Superior Court pursuant to RCW 29A.36.090 within ten days of the filing of the ballot title with the ~~((county auditor))~~ Spokane County Auditor.
- B. No appeal of a ballot title or summary of the measure shall be filed by the ~~((city council))~~ City Council unless at least five members of the ~~((city council))~~ City Council-vote to file the appeal.
- C. The ~~((city))~~ City ~~((council and the city administration may only))~~ shall not challenge an initiative or referendum measure as illegal or unconstitutional unless the City Council ~~((after it))~~ has both adopted a resolution directing the ~~((county auditor))~~ Spokane County Auditor to place the measure on the ballot~~((-~~ No challenge shall be filed by the city council unless~~))~~ and has authorized the filing of a legal or constitutional challenge upon the affirmative vote, in an appropriate resolution, of at least five members of the ~~((city council))~~ City Council~~((-vote to challenge the initiative or referendum measure))~~. Any pre- or

post- election legal challenge shall comply with the current jurisprudence addressing those challenges.

Section 7. That SMC section 2.02.090 is amended to read as follows:

### **2.02.090 Validation of Signatures**

- A. If directed by the ~~((city council))~~ City Council, the ~~((city clerk))~~ City Clerk without delay makes arrangements with the ~~((county auditor))~~ Spokane County Auditor, as ex-officio supervisor of elections, to ~~((gain access to the voter registration rolls))~~ validate the petition signatures to determine if the petition bears the minimum number of valid signatures of registered voters of the City of Spokane as required by City Charter.
- B. For the purpose of determining the validity of the signatures on the petition, the ~~((city clerk))~~ City Clerk requests the ~~((county auditor))~~ Spokane County Auditor to employ~~(s)~~ the same standards established under state law for validation of signatures.
- C. Once a certificate of the validation process has been issued to the ~~((city clerk))~~ City Clerk by the ~~((county auditor))~~ Spokane County Auditor revealing the number of validated signatures so tallied, ~~((T))~~the ~~((city clerk))~~ City Clerk calculates what percentage that number is of the votes cast at the last preceding general municipal election. ~~((immediately tallies the number of signatures as revealed by the process of validation.))~~ If sufficient, ~~((A))~~at the next meeting, the ~~((city clerk))~~ City Clerk makes a report to the ~~((city council))~~ City Council concerning the number of validated signatures so tallied and what percentage that number is of the votes cast at the last preceding general municipal election.
- D. The certificate of validation is a final action that may not be reviewed by the ~~((city council))~~ City Council.

Section 8. That SMC section 2.02.140 is amended to read as follows:

### **2.02.140 Form of Referendum Petition**

- A. The elements and requirements of a referendum petition are the same as for an initiative petition as set forth in SMC 2.02.060 except that:
  - 1. there need not be a ballot title; and
  - 2. the full text of the measure is the full text sheet that accompanied the ordinance when it passed the ~~((city council))~~ City Council.
- B. Every petition sheet must include the declaration of the signature gatherer. All petition signatures on a petition sheet that does not include the declaration statement signed by the signature gatherer shall be disregarded and not included in the tabulation for validation. The signature gatherer declaration shall be printed as follows:



I, . . . . ., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

((B))C. Each sheet of the referendum petition must be in substantially the following form:

**WARNING**

~~((Under Washington State law every))~~ Every person who signs ~~((an initiative or referendum))~~ this petition with any other than his or her true name, knowingly signs more than ~~((one))~~ one of these petitions, ~~((or))~~ signs this petition when he or she is not a legal voter ~~((; or signs a petition when he or she is otherwise not qualified to sign))~~, or ~~((who))~~ makes any false statement on ~~((such))~~ this petition may be ~~((guilty of a misdemeanor))~~ punished by fine or imprisonment.

**REFERENDUM PETITION TO THE SPOKANE CITY COUNCIL**

**REFERENDUM NO.** \_\_\_\_\_

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that ~~((the entirety))~~ ~~((designated sections))~~ of Ordinance No. \_\_\_\_\_, passed by the City Council on \_\_\_\_\_, 20\_\_\_\_, and entitled

**(title of ordinance)**

a concise summary of which is printed herein, be repealed, or be submitted to the electors of the City of Spokane for their approval or rejection at the next municipal election. I understand that should this petition be sufficient and timely filed, the ordinance, or designated section(s) thereof, will be suspended from taking effect until approved by the voters.

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

<b>PETITIONER'S SIGNATURE</b> (as on voter	<b>PRINTED NAME</b>	<b>((RESIDENCE)) ADDRESS WHERE</b>	<b>((DAYTIME PHONE (optional))</b>	<b>((CHECK IF REGISTERED ADDRESS IS</b>
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registration)		<b><u>REGISTERED TO VOTE</u></b> (Street Address, <u>City,</u> <u>State, Zip</u> <u>Code)</u>		<b>DIFFERENT))</b>
<u>1.</u>				
<u>20.</u>				

((etc.)) (Name, street address and phone number of sponsor)

**DECLARATION OF SIGNATURE GATHERER**

I, . . . . ., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

**[(summary of measure)]**

[full text of measure]

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_ Council President

Attest:

Approved as to form:

\_\_\_\_\_ City Clerk

\_\_\_\_\_ Assistant City Attorney

\_\_\_\_\_ Mayor

\_\_\_\_\_ Date

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Effective Date