
HOUSE BILL 2455

State of Washington

68th Legislature

2024 Regular Session

By Representative Gregerson

1 AN ACT Relating to providing local governments options regarding
2 elections for competing ballot measures; amending RCW 29A.36.071; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that state law
6 specifies the ballot title and process for when the legislature
7 proposes an alternative for an initiative to the legislature. See RCW
8 29A.72.050. The legislature further finds that in 2014, the court of
9 appeals decided *In re Ballot Title Appeal of City of Seattle*
10 *Initiatives 107-110*, 183 Wn. App. 379, 334 P.3d 59, which held that
11 the state-law title and process requirements preempt local
12 governments that have a different title or process requirements for
13 elections for alternative ballot measures. The legislature intends to
14 alter state law to permit local governments to use their own ballot
15 title and process for elections for alternative ballot measures.

16 **Sec. 2.** RCW 29A.36.071 and 2017 c 328 s 4 are each amended to
17 read as follows:

18 (1) Except as provided to the contrary in RCW 82.14.036,
19 82.46.021, or 82.80.090, the ballot title of any referendum filed on
20 an enactment or portion of an enactment of a local government and any

1 other question submitted to the voters of a local government consists
2 of three elements: (a) An identification of the enacting legislative
3 body and a statement of the subject matter; (b) a concise description
4 of the measure; and (c) a question. The ballot title must conform
5 with the requirements and be displayed substantially as provided
6 under RCW 29A.72.050, except that the concise description must not
7 exceed seventy-five words; however, a concise description submitted
8 on behalf of a proposed or existing regional transportation
9 investment district or a proposed fire protection district, as
10 provided in RCW 52.02.160, may exceed seventy-five words. If the
11 local governmental unit is a city or a town, or if the ballot title
12 is for a referendum under RCW 35.13A.115, the concise statement must
13 be prepared by the city or town attorney. If the local governmental
14 unit is a county, the concise statement must be prepared by the
15 prosecuting attorney of the county. If the unit is a unit of local
16 government other than a city, town, or county, the concise statement
17 must be prepared by the prosecuting attorney of the county within
18 which the majority area of the unit is located.

19 (2) A referendum measure on the enactment of a unit of local
20 government must be advertised in the manner provided for nominees for
21 elective office.

22 (3) Subsection (1) of this section does not apply if another
23 provision of law specifies the ballot title for a specific type of
24 ballot question or proposition.

25 (4) The provisions of RCW 29A.72.050(4) do not apply to local
26 governments that adopt charters or ordinances with different
27 provisions regarding ballot titles or processes for voters to express
28 a preference for an initiative measure or an alternative measure
29 passed by the jurisdiction on the same subject.

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