

*Amended by  
Ordinance # 301*

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Ordinance No. 82 1977

AN ORDINANCE  
establishing the form and procedures  
for the filing of an initiative petition;  
and adopting a chapter in the Clallam County Code. (C.C.C.)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 37.01\*

Initiative

Sections:

- 37.01.010 Initiative - Petition and Filing
- 37.01.020 Auditor - Duties
- 37.01.030 Prosecuting Attorney - Duties
- 37.01.040 Petition - Registration
- 37.01.050 Ballot Title - Appeal to Superior Court
- 37.01.060 Appeal Procedure
- 37.01.070 Petitions for Signature - Requirements
- 37.01.080 Petitions for Signature - Format
- 37.01.090 Irregular Petitions for Signature
- 37.01.100 Time Limit for Validation - Signatures Required
- 37.01.110 Transmission to Commissioners
- 37.01.120 Commissioners' Action
- 37.01.130 Election
- 37.01.140 Alternative Proposed Ordinances
- 37.01.150 Amendment or Repeal of Enacted Initiative Limited
- 37.01.160 Limitations on Initiative
- 37.01.170 Declaratory Judgment Action
- 37.01.180 Initiative Election - Crimes
- 37.01.190 Severability

C.C.C. 37.01.010. Initiative - Petition and Filing. The sponsor

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of an initiative may begin the initiative process by presenting a petition for registration, containing the full text of the proposed ordinance or amendment to an existing ordinance, and five (5) copies of the same, to the Clallam County Auditor, along with the name and post office address of the sponsor and a supporting affidavit that the sponsor is a legal voter, or organization of legal voters, in Clallam County, Washington.

C.C.C. 37.01.020. Auditor - Duties.

(1) Upon presentation of a petition for registration, the Auditor shall have three (3) days, excepting Saturdays, Sundays and holidays, within which to determine whether the petition is in proper form. If the petition shall be in proper form, the Auditor shall so notify the sponsor by certified mail, at the address given by the sponsor in the petition. The notification shall include the ballot title, as prepared by the Prosecuting Attorney and the Auditor. If the petition shall not be in proper form, the Auditor shall return the petition to the sponsor, by certified mail, with a detailed explanation of the defect(s) in the petition as presented. If the petition is in proper form, the Auditor shall assign a serial number to the petition, which shall thereafter be a part of the ballot title.

(2) The Auditor shall maintain a record of all documents filed under any of the provisions of this chapter and shall also maintain a chronological index thereof. The Auditor shall issue receipts for all documents received.

C.C.C. 37.01.030. Prosecuting Attorney - Duties. Upon presenta-

tion of petition for registration, the Auditor shall immediately transmit the proposed ordinance to the Prosecuting Attorney who shall, within three (3) days, excepting Saturdays, Sundays and holidays, formulate a statement, posed as a question, not to exceed seventy-five (75) words, which statement shall express and give a true and impartial declaration of the purpose of the measure. It shall not be intentionally an argument or likely to create prejudice either for or against the measure.

In addition to such statement, the Prosecuting Attorney shall also prepare a legislative title, not to exceed five (5) words in length, to

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permit the voters to readily identify the initiative. The legislative title and statement, together with the number assigned to the petition by the Auditor, shall constitute the ballot title.

The Prosecuting Attorney shall file the ballot title with the Auditor within the three (3) day period provided in this section.

C.C.C. 37.01.040. Petition - Registration. If the petition for registration is presented in proper form, the date of mailing of notice by the Auditor to the sponsor shall be the date of registration of the petition, PROVIDED, that if the ballot title is appealed to Superior Court, as provided under Sections 37.01.050-.060, then the date of determination of the ballot title by the Superior Court shall be the date of registration.

C.C.C. 37.01.050. Ballot Title - Appeal to Superior Court. If the sponsor is dissatisfied with the ballot title formulated by the Prosecuting Attorney, he may at any time within ten (10) days from the date of mailing notice to the sponsor, appeal to the Superior Court of Clallam County by notice of appeal setting forth the proposed ordinance or amendment, the ballot title, the objections thereto, and praying for amendment thereof.

C.C.C. 37.01.060. Appeal Procedure. A copy of the notice of appeal shall be served upon the Auditor and Prosecuting Attorney. Within five (5) days, or at a time to which the hearing may be adjourned by consent of the appellant, the Superior Court shall hold a hearing upon due notice to the Prosecuting Attorney, and shall examine the proposed measure, the ballot title prepared by the Prosecuting Attorney, and the objections thereto, and may hear argument thereon.

The Court shall as soon as possible thereafter render its decision, and the prevailing party shall file with the Auditor a certified copy of the determination of the court. The decision of the Superior Court shall be final, and the title so certified shall be the established ballot title.

Such appeal shall be heard without costs to either party.

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C.C.C. 37.01.070. Petitions for Signature - Requirements. Upon registration of the petition, the sponsor may prepare petitions for the gathering of signatures. Each petition shall be printed on single sheets of white paper of good quality twelve inches in width and fourteen inches in length (12" x 14") with a margin of one and three-fourths inches (1 3/4") at the top for binding, shall bear the language required under C.C.C. 37.01.080, and shall have numbered lines for not more than twenty (20) signatures.

At the time of circulating, signing and filing with the Auditor, petitions for the gathering of signatures shall consist of no more than five (5) signature sheets packaged together, and each such package shall contain a full, true and correct copy of the proposed ordinance or amendment referred to therein, printed on sheets of paper of like size and quality as the petition, the petitions and the copy of the proposed ordinance or amendment being firmly fastened together.

C.C.C. 37.01.080. Petitions for Signature - Format. The format of the petition for gathering of signatures shall be substantially as follows:

"(Ballot Title)

TO: The Honorable \_\_\_\_\_, Clallam County Auditor.

We, the undersigned citizens and legal voters of Clallam County respectfully demand that the proposed ordinance, a copy of which is attached to this petition, be presented to the Board of Clallam County Commissioners for approval and adoption, and if rejected, be submitted to the legal voters of Clallam County for their approval or rejection at the next regular or special election; and, each says that he has personally signed this petition, that he is a legal voter of Clallam County, and that his residence address is correctly written after his name.

Warning: It is a crime in the State of Washington for anyone to sign an initiative petition with a name other than his own, or knowingly to sign his name more than once for the same measure, or knowingly to sign such petition

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when he is not a legal voter.

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Petitioner's Signature	Petitioner's Name (print)	Residence Address, street and number, if any	City or Town
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1.

(continuous numbered lines through 20)

C.C.C. 37.01.090. Irregular Petitions for Signature. Should signatures be submitted on forms not complying with the requirements of C.C.C. 37.01.070-.080, the Auditor shall not consider them when determining whether sufficient signatures have been filed to validate the petition.

C.C.C. 37.01.100. Time Limit for Validation/Signatures Required.

(1) From the date of registration, sponsors shall have ninety (90) days to file petitions with signatures with the Auditor, such petitions bearing the signatures of legal voters in the County equal in number to, but not less than, ten percent (10%) of the number of voters who voted in the County at the last gubernatorial election.

(2) Petitions with signatures may be filed at any time during the ninety (90) day period provided by sub-section (1) of this section, PROVIDED that the Auditor shall not determine until the expiration of the ninety (90) day period whether sufficient signatures have been filed to validate the petition, unless the sponsor shall so request in writing, and waive his right to submit further petitions with signatures.

C.C.C. 37.01.110. Transmission to Commissioners. The Auditor shall verify the sufficiency of the signatures on the filed petitions and transmit the petitions together with a report thereon to the Board of County Commissioners at a regular meeting not more than twenty (20) days after the filing of signed petitions in accordance with the procedures of C.C.C. 37.01.100. If the Auditor has determined that sufficient signatures have been filed to validate the petitions, such transmission shall constitute the introduction of the proposed ordinance by the commissioners. The filed petitions shall remain on file with the commissioners and shall be

a public record.

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C.C.C. 37.01.120. Commissioners' Action.

(1) At the regular meeting of the Board at which the report of the Auditor is received upon a validated petition, the Board shall call for a public hearing on the proposed ordinance to be held not more than thirty (30) days thereafter.

(2) The Board shall adopt or reject the proposed ordinance on a roll call vote within thirty (30) days of the public hearing held pursuant to sub-section (1) of this section. If the Board rejects the proposed ordinance, they shall, at the same meeting as the rejection occurs, set the date for the election on the proposed ordinance. Such election must be the next regular election or a special election called by the Board within a period of two hundred forty (240) days of the date of rejection of the ordinance by the Board pursuant to R.C.W. 29.13.010, whichever shall occur first, PROVIDED, that at least one hundred five (105) days shall have elapsed between the introduction of the proposed ordinance and the election.

C.C.C. 37.01.130. Election. If the majority of those voting on the proposed ordinance approve the ordinance, then it shall become effective ten (10) days after the result of the election is certified.

C.C.C. 37.01.140. Alternative Proposed Ordinances.

(1) If the Board of County Commissioners reject the proposed ordinance and adopt a substitute ordinance concerning the same subject matter, the substitute ordinance shall be placed on the same ballot, with the choice being given the voters of accepting either or rejecting both; then, voters being given the choice of accepting one and rejecting the other.

(2) If a majority of those voting on the first issue is for rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue. If a majority of those voting on the first issue are in favor of enacting one (1) of the ordinances, then whichever of the ordinances receives a greater affirmative vote shall become effective ten (10) days after the results of the election are certified, unless a later

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date is specified in the approved ordinance.

(3) No adopted ordinance shall be a substitute ordinance within the meaning of this section unless the Board shall so designate by placing the ordinance on a ballot for consideration at the same time as a proposed ordinance.

C.C.C. 37.01.150. Amendment or Repeal of Enacted Initiative Limited.

No ordinance enacted as the result of an initiative shall be amended or repealed within two (2) years after enactment except as a result of a subsequent initiative or referendum.

C.C.C. 37.01.160. Limitations on Initiative.

(1) No initiative petition requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed or submitted to a vote unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

(2) No initiative petition shall be filed or submitted to a vote which provides for the compensation or working conditions of County employees, authorizes or repeals taxes, appropriates money, adopts the annual budget or capital program, redistricts the County Commissioner Districts, or passes an emergency ordinance.

C.C.C. 37.01.170. Declaratory Judgment Action. At any time not less than forty-five (45) days prior to any regular or special election in which a proposed ordinance is on the ballot, the Prosecuting Attorney or any legal voter of Clallam County may, pursuant to R.C.W. 7.24, seek a declaratory Judgment as to whether the proposed ordinance is in contravention to the Clallam County Home Rule Charter, the laws and/or Constitution of the State of Washington, or the United States Constitution. Such action shall not stay the election.

C.C.C. 37.01.180. Initiative Election - Crimes. An ordinance election under this chapter is hereby declared to be an election pursuant

to the laws of the State of Washington, and all laws of the State of Washington pertaining to the conduct of that election and providing criminal penalties for violation of those laws apply to an election under this chapter.

C.C.C. 37.01.190. Severability. If any section, sub-section, paragraph, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being herein expressly declared that this chapter and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one (1) or more other sections, sub-sections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

ADOPTED this 13<sup>th</sup> day of December, 1977.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Howard V. Doherty, Jr.  
Howard V. Doherty, Jr., Chairman

Dick Lotzgesell  
Dick Lotzgesell

Ronald N. Richards  
Ronald N. Richards

ATTEST:

Alice C. Thorne  
Alice C. Thorne, Auditor  
and Clerk of the Board

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