

*Amended by
Ordinance No. 302*

Ordinance No. 84 1977

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

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 37.04*

Referendum by the People

Sections:

- 37.04.010 Referendum - Petition and Filing
- 37.04.020 Petition - Time for Filing
- 37.04.030 Limitations on Referendum
- 37.04.040 Auditor - Duties
- 37.04.050 Prosecuting Attorney - Duties
- 37.04.060 Petition - Registration
- 37.04.070 Effect of Registration
- 37.04.080 Ballot Title - Appeal to Superior Court
- 37.04.090 Appeal Procedure
- 37.04.100 Petition for Signature - Requirements
- 37.04.110 Petition for Signature - Format
- 37.04.120 Irregular Petitions for Signatures
- 37.04.130 Time Limit for Validation - Signatures Required
- 37.04.140 Transmission to Commissioners
- 37.04.150 Commissioner's Action
- 37.04.160 Declaratory Judgment Action
- 37.04.170 Referendum Election - Crimes
- 37.04.180 Severability

C.C.C. 37.04.010. Referendum - Petition and Filing. The sponsor of
a referendum may begin the referendum process by presenting for registration

*New Chapter

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a petition requesting the referral of an adopted ordinance to the people for acceptance or rejection, containing a full text of the adopted ordinance, and submitting five (5) copies of the same to the 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. 37.04.020. Petition - Time for Filing. A referendum petition must be presented for registration within ten (10) days of the date of adoption by the Board of Commissioners of a regular ordinance.

C.C.C. 37.04.030. Limitations on Referendum.

(1) No referendum petition may be presented for registration or filed against an emergency ordinance as defined by Section 3.20 of the Clallam County Home Rule Charter.

(2) No referendum petition may be presented for registration or filed against an appropriation ordinance, or any other ordinance necessary for the support of County government and its existing public institutions.

(3) No referendum petition may be presented for registration or filed against ordinances providing for the compensation or working conditions of County employees, authorizing and repealing taxes, appropriating money, adopting the annual budget or capital program, redistricting the County Commissioners Districts or passing an emergency ordinance.

(4) No referendum petition may be presented for registration or filed against an adopted ordinance referred to the people by the Board pursuant to the provisions of C.C.C. 37.06.

C.C.C. 37.04.040. 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.

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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. 37.04.050. Prosecuting Attorney - Duties. Upon presentation of a petition for registration, the Auditor shall immediately transmit the petition 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 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. 37.04.060. 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 C.C.C. 37.04.080-.090, then the date of determination of the ballot title by the Superior Court shall be the date of

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registration.

C.C.C. 37.04.070. Effect of Registration. Upon presentation of a petition for registration to the Auditor, the ordinance referred to in the petition shall be suspended and without force of law until the Auditor shall determine whether the petition is in proper form. If it shall be determined by the Auditor that the petition is in proper form, then the suspension of the ordinance shall continue during the period allowed under C.C.C. 37.04.120 for obtaining the requisite number of signatures to place the referendum on the ballot.

C.C.C. 37.04.080. 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 referendum, the ballot title, the objections thereto, and praying for amendment thereof.

C.C.C. 37.04.090. 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.

C.C.C. 37.04.100. 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

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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. 37.04.110, 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 adopted ordinance

referred to therein, printed on sheets of paper of like size and quality as the petition, the petitions and the copy of the ordinance being firmly fastened together.

C.C.C. 37.04.110. 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 adopted ordinance, a copy of which is attached to this petition, be presented to the voters of Clallam County for their adoption 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 a referendum 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 when he is not a legal voter.

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)

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C.C.C. 37.04.120 Irregular Petitions for Signature.

Should signatures be submitted on forms not complying with the requirements of C.C.C. 37.04.100-.110, the Auditor shall not consider them when determining whether sufficient signatures have been filed to validate the petition.

C.C.C. 37.04.130 Time Limit for Validation - Signatures Required.

(1) From the date of registration, sponsors shall have sixty (60) 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) If the Auditor shall determine that the requisite number of signatures are filed within the time period allowed, then the suspension of the ordinance, pursuant to C.C.C. 37.04.070 shall continue until the results of the election shall be certified and the voters ratify and approve the ordinance.

(3) Petitions with signatures may be filed at any time during the sixty (60) day period provided by sub-section (1) of this section, PROVIDED that the Auditor shall not determine until the expiration of the sixty (60) 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. 37.04.140 . 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 the signed petitions in accordance with the procedures of C.C.C. 37.04.120. The filed petitions shall remain on file with the commissioners and shall be a public record.

C.C.C. 37.04.150. Commissioners' Action. If sufficient signatures are filed with the Auditor, the Commissioners shall place the ordinance referred to in the referendum petition before the voters of Clallam County

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at the next regular election, or a ~~special~~ **SPECIAL COPY** election called by the Board within a period of two hundred forty (240) days of the date of validation of the petitions pursuant to RCW 29.13.010, whichever shall occur first, PROVIDED, taht at least forty-five (45) days shall have elapsed between the report of the Auditor on the sufficiency of the signatures and the election.

If the majority of those voting on the referendum ratify and approve the ordinance, then it shall become effective ten (10) days after the results of the election are certified.

C.C.C. 37.04.160. Declaratory Judgment Action. At any time not less than forty-five (45) days prior to any regular or special election in which a referendum measure 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 referendum 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. 37.04.170. Referendum Election - Crimes. A referendum 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. 37.04.180. 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 13TH day of December, 1977.

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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