CITY OF SEATTLE
OFFICE OF THE CITY CLERK

GUIDE FOR REFERENDUM PROCESS
An Information Resource

September 2016

NOTICE: This document is provided to the members of the public for **informational and guidance purposes only and is not intended to provide legal advice**. Petition coordinators and any persons seeking legal advice should consult with a private attorney.

There is case law that exempts some subjects from the referendum process. See the Initiative and Referendum Guide for Washington City and Charter Counties published by Municipal Research and Services Center of Washington. Petition coordinators should consult with a private attorney to seek legal advice.

Questions or requests for additional information other than legal advice should be directed to the City Clerk:

clerk@seattle.gov**;**
(206) 684-8344 or;

Physical address:
Office of the City Clerk
600 4th Avenue, Floor 3
Seattle, WA

Mailing address:
Office of the City Clerk
PO Box 94728
Seattle, WA 98124-4728

A referendum relating to an ordinance passed by the Mayor and City Council may be exercised by petition signed by at least 8% of the total number of votes cast for the office of Mayor at the last preceding municipal election (except those ordinances necessary for the immediate preservation of the public peace, health or safety, or providing for the approval of local improvement assessment rolls, or for the issuance of local improvement bonds). Charter Art. IV, § 1. H. This guide summarizes some of the requirements for filing a referendum petition.

Step 1 RESOURCES:

The following documents contain specific information for an initiated referendum by the public. Copies of these documents are available from the Office of the City Clerk:

- ☐ Seattle City Charter, Article IV, Section 1
- ☐ Seattle Municipal Code, SMC Chapters 2.12 and 2.16
- ☐ Revised Code of Washington, RCW 29A.04.330, 29A.36.071, 29A.36.080, 29A.36.090, 29A.72.050, 35.21.005
- ☐ Guide for Referendum Process: An Information Resource for the Public (this document)

Step 2 REQUIREMENTS:

The referendum process is different from the initiative process in several ways. One difference is that for referenda there is no legal requirement that the petition be filed with the City Clerk prior to signature gathering.

Another difference is that the amount of time allowed to gather signatures is typically only 29 days. This is because the referendum must be filed *before* the effective date of the ordinance being referred.

Since the signatures have to be filed with the City Clerk prior to the ordinance in question taking effect (Charter Art. IV, § 1. J.), it is important to check the language in the ordinance regarding its effective date.

Paid signature gatherers collecting petition signatures for Seattle referendums must visibly display a statement showing they are a "paid signature gatherer" to each person from whom they receive a signature. This may be fulfilled by posting a legible and conspicuous sign, or placard, or wearing a badge stating "Paid Signature Gatherer." (Section SMC 2.04.606)

And, since there are specific requirements regarding the form of the petition, it is important to ensure that the petitions comply with the SMC requirements prior to collecting signatures. (see Step 5)

Step 3 REQUIRED SIGNATURES:

The number of registered voter signatures needed to qualify a referendum for a ballot is that number representing eight percent (8%) of the total number of votes cast for Mayor at the last Mayoral election. Charter Art. IV, § 1. H.

Example: 2013 Mayoral race – 206,377 votes cast, so until the next Mayoral election, 16,510 valid signatures of registered Seattle voters will be required to qualify a referendum.

Step 4 FILING OF PETITION:

Once a sufficient number of valid signatures to qualify the referendum for the ballot have been collected, the petition pages may be submitted to the City Clerk. A letter of transmittal containing the name, address, and phone number of the contact person must accompany the petition pages. Also required is a Word electronic copy of the petition. Contact with the City Clerk is recommended as the deadline approaches to schedule an appointment for the submission of the petitions.

At the time the petitions are filed, an estimate of the number of signatures and number of petition pages will be requested. The pages should be numbered in sequence,

beginning with 1 or 001, etc., in the upper right corner of each sheet. The City Clerk will then verify the estimated number of pages and signatures submitted.

Step 5 REVIEW OF PROPOSED REFERENDUM:

The form of petition for a referendum contained in SMC 2.12.020 is approved for use. The City Clerk will review the proposed referendum and petition for approval or rejection as to form.

The City Clerk will review for the following:

- ☐ Is the petition printed on single sheets of paper of good writing quality? (SMC 2.12.010).
- ☐ Are the petition pages at least 8 ½" wide and 11" long, and not larger than 11" wide and 17" long? (SMC 2.12.010).
- ☐ Is there a top margin of at least 1"? (SMC 2.12.010).
- ☐ Are the signature lines numbered and are there not more than 20 signatures per sheet? (SMC 2.12.010).
- ☐ Are the printed words legible? (SMC 2.12.010).
- ☐ Do the petition pages contain the warning as required by SMC 2.12.020.A, RCW 35.21.005(2), and the form as approved by SMC 2.12.020.B?
- ☐ Is the complete text of the whole ordinance, or the section or part in question, included on the petition form? (SMC 2.12.020; RCW 35.21.005(1)(b)).

Step 6 VERIFICATION PROCESS:

If the petition and submitted pages are accepted for filing, the filing of the petition with the City Clerk shall operate to suspend the taking effect of the referred ordinance. (Seattle City Charter, Art. IV, § 1. J). The City Clerk will send the signed petition pages to King County Records and Elections Division for verification of the validity of the signatures and to determine sufficiency or insufficiency within three working days after the filing of a petition. RCW 35.21.005(4). (Refer to Step 3 regarding the percentage formula used to determine the number of valid signatures required.)

Terminal Date - Additional signatures. The date on which King County Records and Elections begins its determination will be set as the "terminal date." Additional pages of one or more signatures may be added to the petition by filing the same with the City Clerk *before the terminal date*. (RCW 35.21.005(4)).

Terminal Date - Withdrawing signatures. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the City Clerk *before the terminal date*. Such written request must sufficiently describe the petition so as to make identification of the person and the petition certain. The name of any person

seeking to withdraw must be signed exactly the same as contained on the petition. (RCW 35.21.005(4)).

The King County Records and Elections Division is required to make such a determination with "reasonable promptness." RCW 35.21.005(4).

All signatures followed by a date of signing which is more than six months prior to the date of filing of the petition with the City Clerk shall be stricken. (RCW 35.21.005(8)).

Step 7 INSUFFICIENT SIGNATURES:

If the verification process determines that the petitions bear insufficient valid signatures, the City Clerk will notify the petition coordinator by phone and by certified mail, attaching a copy of the King County Records and Elections Division notification.

Step 8 SUFFICIENT SIGNATURES AND REFERRAL TO COUNCIL:

If a Certificate of Sufficiency is issued by King County Records and Elections, the proposed Referendum will be submitted to the City Clerk for introduction and referral to City Council at a regular Full Council at a regular meeting not less than twenty (20) days after the filing of the petition. Charter Art. IV., § 1. J.

Step 9 COUNCIL ACTION – PLACING MEASURE ON THE BALLOT:

The Council will either pass an ordinance or adopt a resolution authorizing King County Records and Election to place the qualifying referendum measure on the Ballot. The Council can, at their discretion, put a referendum on the ballot either at the next regularly scheduled election, irrespective of whether it is a state or municipal election, or at a sooner special election before the next regularly scheduled election. Charter Art. IV., § 1. K. Regularly scheduled elections include August primary and November general elections. Special elections may occur in February and April. RCW 29A.04.311, 29A.04.321, 29A.04.330.

Revised Code of Washington 29A.04.330 requires that legislation authorizing a measure for a February or April special election ballot be submitted to King County least 46 days before the respective election date.

Legislation authorizing a measure for the primary election ballot must be submitted to King County Elections no later than the Friday immediately before the first day of regular candidate filing. RCW 29A.04.330(3).

Legislation authorizing a measure on the general election ballot must be submitted to King County Elections no later than the day of the primary election date. *Id*.

Step 10 ELECTION RESULTS:

The voters will be asked to approve or reject the ordinance (or part thereof). If a majority approves the ordinance, it goes into effect. If a majority rejects the ordinance, it shall be of no force or effect. Charter Art. IV, § 1. M.

Following the election, written notification will be sent to the City Clerk from King County Records and Election certifying the results of the vote count. If the measure was approved, it becomes law upon Proclamation of the Mayor (within five days after certification of election) published in the City's official newspaper, the Daily Journal of Commerce. Charter Art. IV, § 1. M.