

A RESOLUTION submitting a proposition to the qualified electors of the City, at the general election to be held on November 5, 2002, to amend Article IV, Subsection 1B, and Article XX, Section 2, of the Charter of the City of Seattle to modify the requirements concerning the verification of the sufficiency of initiative and charter-amendment petition signatures to be consistent with state law, which currently provides that responsibility for verification of the sufficiency of such signatures rests with the County auditor; calling on the City Clerk to certify the proposed amendments to the Director of the Department of Records and Elections of King County and directing such Director to submit the proposition to City voters; and providing for the publication of such proposed amendments.

Introduced:	SEP - 3 2002	By:	STEINBRUECK
Referred:	SEP - 3 2002	To:	INTRODUCTION & ADOPTION
Reported:	9/3/02	To:	
Passed:	9/3/02	Signed:	9/3/02
Filed:	9/3/02	Published:	Full 6 pg.

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Full Council vote 6-0

RESOLUTION 30517

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WHEREAS, Article IV, Subsection 1B of the Seattle City Charter requires the City Clerk to cause the verification of the sufficiency of the signatures contained on any citizens' initiative petition submitted; and

WHEREAS, Article XX, Section 2 of the Seattle City Charter requires the City Clerk to examine and verify signatures contained on any citizens' petition to amend the Seattle City Charter; and

WHEREAS, current Washington state law (RCW 35A.29.170) provides that the responsibility for verification of signatures to determine the sufficiency of such citizens' petitions rests with the County and verification of petition signatures, and the timeline for such verification, is not within the control of the City; and

WHEREAS, Article XX, Section 2 contemplated that the City Clerk maintained voter registration lists, and state law has long since transferred this responsibility to the County Auditor; and

WHEREAS, the above Charter provisions purport to require something from the City that only the County can provide; and

WHEREAS, the City's inability to fulfill these provisions of the Charter arguably may leave the City exposed to potential liability for things beyond the City's control; and

WHEREAS, while Washington state law regarding the verification of signatures may change from time to time, the City will comply with the state law in effect at any given time; and

WHEREAS, the language in the Seattle City Charter and in Washington state law pertaining to the verification of signatures on a citizens' initiative or voter-proposed petition to amend the Charter are inconsistent; and

WHEREAS, modifying the City Charter to comport with state law would create uniformity between these two bodies of law and greater legal clarity;



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1
2 **NOW THEREFORE,**

3
4 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS**
5 **FOLLOWS:**
6

7 Section 1. Subject to the approval of a proposition by a majority of the qualified
8 electors casting votes thereon, Article IV, Subsection 1B and Article XX, Section 2 of the
9 Charter of the City of Seattle are each amended as follows:

10 **ARTICLE IV. Legislative Department.**

11 **Section 1. *****

12 **B. INITIATIVE AND REFERENDUM; HOW EXERCISED; PETITIONS;**
13 **VERIFICATION OF SIGNATURES; COMPLETION OF PETITION,**
14 **CONSIDERATION IN COUNCIL:**
15

16 The first power reserved by the people is the initiative. It may be exercised on petition of a
17 number of registered voters equal to not less than ten (10) percent of the total number of
18 votes cast for the office of Mayor at the last preceding municipal election, proposing and
19 asking for the enactment as an ordinance of a bill or measure, the full text of which shall be
20 included in the petition. Prior to circulation for signatures, such petition shall be filed with
21 the City Clerk in the form prescribed by ordinance, and by such officer assigned a serial
22 number, dated, and approved or rejected as to form, and the petitioner so notified within five
23 (5) days after such filing. Signed petitions shall be filed with the City Clerk within one
24 hundred eighty (180) days after the date of approval of the form of such petitions. Upon
25 such filing, the City Clerk shall ~~((eause))~~ convey the signed petition to the officer
26 responsible for the verification of the sufficiency of the signatures to the petition under state
27 law for such verification, and transmit it, together with his or her report thereon to the City
28 Council at a regular meeting not more than twenty (20) days after the filing of such signed

1 petition, and such transmission shall be the introduction of the initiative bill or measure to
2 the City Council. If the officer responsible for verification of the sufficiency of signatures
3 under state law notifies the City Clerk ~~((shall find))~~ that any petition, which, upon filing had
4 a sufficient number of signatures, has ~~((to have))~~ insufficient verified signatures, ~~((he or she))~~
5 the City Clerk shall notify the principal petitioners, and an additional twenty (20) days shall
6 be allowed them in which to complete such petition to the required percentage.
7 Consideration of such initiative petition shall take precedence over all other business before
8 the City Council, except appropriation bills and emergency measures.

9
10 ***

11 **Article XX Charter Amendments**

12 **Section 2. PROPOSED BY VOTERS:** Whenever fifteen percent in number of the
13 registered voters of the City voting at the last preceding election for the office of Mayor
14 shall file with the City Council a petition for a specified Charter amendment, which shall be
15 set forth in full in such petition, it shall be the duty of the City Council to submit said
16 amendment to the voters of the City for their ratification or rejection at the next general
17 municipal election occurring at least sixty days after the filing of such petition; such
18 amendment shall be submitted in the manner provided by law for the submission of
19 propositions to the voters of the City, provided: That when such petition is filed with the
20 City Council it shall be the duty of the City Clerk to ~~((examine and verify all signatures~~
21 ~~thereto from a comparison with the registration lists in his or her office))~~ convey the signed
22 petitions to the officer responsible for verification of the sufficiency of signatures under state
23 law, and to convey ~~((report))~~ to the City Council ~~((his or her findings))~~ any report received



1 as to the number of valid signatures contained in such petition. The Council shall provide by
2 ordinance a penalty for affixing to any such petition any false signature. If at the general
3 municipal election at which such amendment is submitted, a majority of the lawful voters
4 voting thereon shall by their vote ratify any amendment so submitted, the same shall thereby
5 become a part of the Charter and within five days after such election it shall, by
6 proclamation of the Mayor, which shall be published in the city official newspaper, be so
7 proclaimed, provided: That if more than one amendment be petitioned for and submitted at
8 the same election such amendments shall be submitted in such manner that the electors may
9 vote for or against each amendment separately, and provided further; That, after submission
10 by the City Council, every such amendment shall be published by the City Clerk in two
11 daily newspapers in the City for at least thirty days prior to such election and such other
12 notice shall be given for at least ten days prior to such election as may be required by law for
13 the submission of propositions to the voters of the City for their ratification or rejection.

14
15 Section 2. The King County Director of Records and Elections, as ex officio
16 supervisor of elections, is hereby directed to submit to the qualified electors of the City the
17 proposition set forth below at the City general election on November 5, 2002.

18 The City Clerk is hereby authorized and directed to certify the proposition to the
19 King County Director of Records and Elections in the following form:

20 **CITY OF SEATTLE CHARTER AMENDMENT NO. _____**

21 **Verifying Petition Signatures**

22
23 The Seattle City Council has adopted Resolution -- concerning proposed
24 amendments to Seattle City Charter Articles IV and XX. This measure would change
25 Charter provisions regarding the verification of the sufficiency of voter signatures on

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initiative petitions and City Charter-amendment petitions to make those provisions consistent with state law. The Charter currently imposes verification duties on the City Clerk. State law, however, presently calls for verification of such signatures by the County Auditor.

Should the proposed Charter amendments be:

Approved __

Rejected __

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title conforming to the foregoing statement of the same, with any alterations the City Attorney shall deem appropriate in carrying out his duties pursuant to RCW 29.27.066, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in two daily newspapers in the city for at least (30) days prior to such election, as required by the City Charter, and as required by RCW 35.22.170.

Section 4. Should the voters approve both this proposition and the proposition being submitted at the same election to amend Article XX, Section 2, of the Seattle City Charter to modify the requirement for publication of notice of proposed charter changes, then both the modifications made by that other proposition and the modifications made by this proposition shall be given effect.

Section 5. Should the voters approve both this proposition and the proposition being submitted at the same election to amend Article IV, Subsection 1B, of the Seattle City

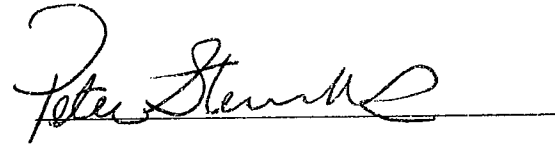


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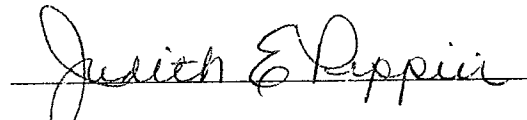
Charter to modify the time period for transmitting initiative petitions and his or her report thereon to the City Council, then both the modifications made by that other proposition and the modifications made by this proposition shall be given effect.

Adopted by the City Council the 3rd day of September, 2002, and signed by me in open session in authentication of its passage this 3rd day of September, 2002.



President of the City Council

Filed by me this 3rd day of September, 2002



City Clerk

(SEAL)





**Legislative Department
Office of City Clerk
Memorandum**

Date: August 29, 2002
To: Council President Peter Steinbrueck
From: Judith Pippin, City Clerk *J. Pippin*
Mary Denzel, Director, Central Staff
John Taylor, Central Staff
Subject: Resolutions Proposing Charter Amendments

Attached to this memo you will find four (4) Resolutions that propose amendments to the City Charter, and the related fiscal notes. These Resolutions will be presented to the Full Council at its Regular Meeting on Tuesday, September 3, 2002, for Introduction and Adoption.

The concepts addressed in, and the reasons for, these charter amendments were presented to you and to each Councilmember earlier this year. It is desired that these charter amendments be placed on the November 5, 2002 ballot. The table below shows summaries of the proposed changes:

PROPOSED CHARTER CHANGES		
Article/Section	Proposed Change	Purpose
Art IV Subsection 13A	Allow publishing of summaries of ordinances passed as allowed by state law (instead of whole text, which is expensive to publish)	Cost saving
Art XX, Sections 1 & 2	Allow publishing of Charter amendments once a week for four weeks (as allowed in state law) instead of for 30 days in two newspapers as required by the Charter.	Cost saving
Art IV Subsection 1B	Modify the Charter's timeline for the Clerk to report to Council on the sufficiency of petition signatures for initiatives. The Charter gives 20 days from date of filing of the petition. The state gives the responsibility for verifying signatures to the County. The City cannot control the time the County takes. The change is to require the Clerk to report within 20 days of receiving the report from the County on the sufficiency of the signatures.	Replacing a responsibility that the City cannot fulfill with one the City can fulfill.
Art IV Subsection 1B and Art XX Section 2	Replace language that holds the Clerk responsible for verifying the sufficiency of petition signatures with language that acknowledges this duty is assigned by state law, (and is currently assigned to the County Auditor).	Correcting outdated assignment of responsibility.



In order to meet a City Charter requirement that proposed charter amendments be adopted by Council at least 60 days before the date of the election for which they would appear on the ballot, the Council must have adopted the Resolutions by Friday, September 6, 2002. Therefore, we are submitting the Resolutions to you for Introduction and Adoption at the Regular Full Council Meeting of Tuesday, September 3, 2002.

If you have any questions about the proposed charter amendments or the Resolutions regarding same, please do not hesitate to contact me at 4-8361 or Mary Denzel at 4-8158.

Attachments (8)

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@ci.seattle.wa.us

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Mary Denzel
 August 26, 2002
 Signature Verification
 Version #3.

Fiscal Note

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Mary Denzel 684-8158	Sara Levin

Legislation Title:

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Summary of the Legislation:

This measure would change the Charter's provisions in Article IV, Subsection 1B and Article XX, Section 2 for verifying the sufficiency of voter signatures on petitions to make those procedures consistent with state law.

These Charter amendments direct the City Clerk to "convey the signed petitions to the officer responsible for the verification of the sufficiency of the signatures under the state law for such verification."

Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2002 Appropriation	2003 Anticipated Appropriation
TOTAL				

** This is line of business for operating budgets, and program or project for capital improvements*

Notes:

Expenditures (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2002 Expenditures	2003 Anticipated Expenditures



Mary Denzel
August 26, 2002
Signature Verification
Version #3.

TOTAL				
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** This is line of business for operating budgets, and program or project for capital improvements*

Notes:

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