

**Clark County Charter Review Commission
Resolution No. 2021-12**

A RESOLUTION to submit to the voters of Clark County that changes the initiative and referendum signature percentage requirements from 10 percent to 8 percent and allows for the transfer of signatures from the initiative process to the mini initiative process.

WHEREAS, In November 2020, the voters of Clark County elected fifteen commissioners to serve on the Charter Review Commission to review the Clark County Home Rule Charter and propose amendments to the same if necessary and appropriate; and

WHEREAS the Clark County Charter Review Commissioners have faithfully undertaken their responsibilities entrusted to them by the voters of Clark County, Washington; and

WHEREAS, the Clark County Charter Review Commission has, in open public meetings convened between January 1, 2021, and December 8, 2021, proposed and deliberated on potential charter amendments; and

WHEREAS, Clark County Charter Review Commission, in a duly noticed public meeting held on December 8, 2021 voted to submit to the voters of Clark County in the November 2022 General Election a proposed amendment to the Clark County Home Rule Charter that would change the initiative and referendum signature percentage requirements from 10 percent to 8 percent and allows for the transfer of signatures from the initiative process to the mini initiative process; and

WHEREAS, the Clark County Charter Review Commission has reviewed the Charter and determined that the proposed amendments are necessary and appropriate for its adequacy and suitability to the needs of Clark County;

NOW, THEREFORE, BE IT RESOLVED, BY THE CLARK COUNTY CHARTER REVIEW COMMISSION:

Section 1. Amendatory. Charter Section 7.2, Initiative, is hereby proposed to be amended as follows:

The people reserve the power of initiative. An ordinance or amendment to an ordinance, except as limited by state or federal law or court interpretation, may be proposed by filing an initiative petition with the auditor. No ordinance enacted as a result of initiative shall be amended or repealed within two (2) years after enactment, except as a result of a subsequent initiative or referendum or as required by state or federal law.

A. Initiative Limitations.

1 The following are limited by state or federal law or court interpretations and may not be
2 proposed or adopted by initiative:

- 3 1. Ordinances providing for compensation or working conditions of county
4 employees or elected officials.
- 5 2. Redistricting council districts.
- 6 3. Authorizing or repealing an appropriation of money or any portion of the annual
7 budget.
- 8 4. Authorizing or repealing taxes or fees.
- 9 5. Authorizing or repealing any provision of a service or program provided by the
10 county.
- 11 6. Amending or repealing this charter.

12 B. Initiative Requirements.

- 13 1. Initiatives that require new or additional sources of revenue shall include a
14 recommended revenue source adequate to finance the result of the initiative.

15 C. Initiative Procedures.

- 16 1. Any registered voter of Clark County may file an initiative proposal with the
17 auditor, who shall transmit a copy to the prosecuting attorney. If the ordinance
18 proposed by initiative would be effective exclusively in unincorporated Clark
19 County, the registered voter must be a registered voter residing in unincorporated
20 Clark County to file the initiative proposal with the auditor. Within ten (10)
21 business days of the filing date, the prosecuting attorney shall formulate a true and
22 impartial ballot title, posed as a positive question not exceeding fifty (50) words.
- 23 2. The prosecuting attorney shall transmit the initiative petition to the auditor, who
24 shall give the proposed initiative a number that will be the identifying number.
25 Within an additional five (5) business days, the auditor shall confer with the
26 petitioner to review and establish the form and style of the initiative petition as
27 required by the auditor or ordinance. Within an additional ten (10) days the
28 prosecuting attorney shall evaluate the petition and provide the petitioner and
29 auditor with the following statement: "In the opinion of the Clark County
30 Prosecuting Attorney, the subject of this initiative is within the scope of local
31 initiative powers. Yes [] No [] No opinion at this time []." The prosecuting
32 attorney shall mark the box that reflects his or her opinion. The petitioner ~~may~~
33 shall include this statement on the petition.
- 34 3. The petitioner shall have one hundred twenty (120) days after receipt of the
35 Prosecuting Attorney's statement as required in 7.2.C (2) to collect signatures of
36 registered county voters. Valid collected signatures shall number no less than:
 - 37 a. If the ordinance proposed by the initiative would be effective in both the
38 incorporated and unincorporated areas of the County, valid signatures
39 shall number no less than ~~ten (10)~~ eight (8) percent of the number of votes
40 cast ~~in the county~~ in the last gubernatorial election: or.
 - 41 b. If the ordinance proposed by the initiative would be effective exclusively
42 in unincorporated areas of the county, valid signatures shall number no
43 less than ~~ten~~ eight (10) (8) percent of the votes cast in unincorporated
44 Clark County at the last gubernatorial election, provided, however, the

1 registered voters signing the petition must be registered voters residing in
2 unincorporated Clark County and, further provided that, the number of
3 required signatures shall be calculated based only upon votes cast within
4 area which, on the date the initiative is initiated, are unincorporated areas
5 of the county.

6 Each petition shall contain the warning clause prescribed by state law, full text of
7 the proposed measure, ordinance or amendment to an ordinance, and ballot title.

- 8 4. The auditor shall verify the number of signatures on the petition, and, if a
9 sufficient number of valid signatures has been submitted, place the proposal on
10 the ballot for the next general election.
- 11 a. Signatures on the petition must be submitted to the auditor no less than
12 one hundred fifty (150) days before the date of the next general election.
 - 13 b. If the council enacts the proposal without change or amendment not less
14 than sixty (60) days prior to said election, the proposal shall be removed
15 from the ballot.
 - 16 c. If the council does not adopt the proposed measure but adopts a substitute
17 measure not more than fifteen (15) days after petition validation, the
18 substitute measure shall be placed on the same ballot with the initiative
19 proposal.
 - 20 d. If the ordinance proposed by the initiative is one that is effective
21 exclusively in unincorporated areas of the county, only registered voters in
22 unincorporated Clark County shall be permitted to vote on the initiative.
- 23 5. When a ballot contains an initiative petition, substitute measure or multiple
24 initiative measures on the same topic, the voters shall be given the choice of
25 rejecting or accepting each initiative.
- 26 a. If the voters accept more than one (1) initiative on the same topic, and the
27 measures are incompatible, the initiative receiving the highest number of
28 affirmative votes shall be approved.
 - 29 b. If there are multiple measures on the same topic, compatible with one
30 another, they may all be approved.
 - 31 c. If the voters reject all initiatives, none shall be approved.
 - 32 d. If the voters approve one (1) initiative and reject the others, the approved
33 initiative shall be approved.

34 **D. Insufficient Signatures**

- 35 1. If the proponents of an initiative fail to obtain the required number of signatures
36 in the designated time period but have sufficient signatures to qualify the proposal
37 as a mini-initiative, the proposal shall be treated as a mini-initiative at the request
38 of the proponents.

39
40 **Section 2. Amendatory.** Charter Section 7.3, Mini Initiative, is hereby proposed to be amended
41 as follows:

1 The people reserve the power of mini-initiative, except as limited by state or federal law and
2 subject to Article 7, Section 2(A). Ordinances or amendments to an existing ordinance may be
3 proposed to the council by transmitting the proposal to the auditor. After conferring with the
4 auditor, a petitioner shall have one hundred twenty (120) days to collect signatures of registered
5 county voters. An initiative petition shall bear signatures of qualified voters totaling no less than
6 three (3) percent of the number of votes cast in the county in the last gubernatorial election. A
7 proposed ordinance or amendment to existing ordinance that would be effective exclusively in
8 unincorporated Clark County, may only be submitted to the auditor by a registered voter residing
9 in unincorporated Clark County; further, that initiative petition must bear the signatures of
10 qualified voters who reside in incorporated Clark County totaling no less than three (3) percent
11 of the number of votes cast in the unincorporated county in the last gubernatorial election. The
12 number of required signatures shall be calculated based only upon votes cast within areas which,
13 on the date such petitions are filed, are unincorporated areas of the county. The auditor shall have
14 thirty (30) business days to validate signatures. If a sufficient number of signatures is verified,
15 the auditor shall transmit the initiative petition to the county council. The council shall hold a
16 public hearing on the proposed ordinance or amendment to an existing ordinance within sixty
17 (60) days, and enact, reject or modify the proposed ordinance within thirty (30) calendar days of
18 the hearing.

19
20 **Section 4. Amendatory.** Charter Section 7.4, Referendum, is hereby proposed to be amended as
21 follows:

22 The people reserve the power of referendum. Referendum may be ordered on any ordinance, or
23 any part thereof, passed by the council, except as limited by state or federal law or court
24 interpretations.

25 A. Referendum Limitations.

26 The following are limited by state or federal law or court interpretations and may not be
27 proposed or adopted by referendum.

- 28 1. Emergency ordinances.
- 29 2. Ordinances providing for compensation or working conditions of county
30 employees or elected officials.
- 31 3. Ordinances authorizing or repealing an appropriation of money or any portion of
32 the annual budget.
- 33 4. Ordinances authorizing or repealing taxes or fees.
- 34 5. Ordinances required by state or federal law.

35 B. Referendum Procedure. A referendum petition proposal shall be filed with the auditor
36 within ten (10) days after the council passes an ordinance. Except as set forth in this
37 section, a referendum petition proposal may be filed against an ordinance or any portion
38 of an ordinance. Any registered Clark County voter may file with the auditor a
39 referendum petition proposal signed by at least one hundred (100) registered voters of

1 Clark County. If the referendum pertains to an ordinance which is effective exclusively in
2 unincorporated Clark County, the referendum petition proposal must include the
3 signatures of at least one hundred (100) registered voters residing in unincorporated Clark
4 County and must be filed by a registered voter residing in unincorporated Clark County.

- 5 1. The auditor shall verify signatures on the referendum petition proposal within ten
6 (10) calendar days. After one hundred (100) signatures are validated, the
7 ordinance or portion of the ordinance subject to referendum is suspended until:
 - 8 a. Sufficient valid signatures are collected within the time prescribed by this
9 section to place the measure on the ballot and voters have voted on the
10 measure.
 - 11 b. Valid signatures are not collected within the time prescribed by this
12 section to place the measure on the ballot.
- 13 2. Filing a referendum petition proposal against a portion of an ordinance shall not
14 delay the remainder of the ordinance from taking effect.
- 15 3. Within five (5) business days of filing the referendum petition, the auditor shall
16 confer with the petitioner to review the referendum petition as to form and style,
17 as required by the auditor or ordinance. The auditor shall give the referendum
18 petition an identifying number and transmit a copy of the referendum petition to
19 the prosecuting attorney and county manager. Within ten (10) business days after
20 receipt, the prosecuting attorney shall write a ballot title not to exceed fifty (50)
21 words and posed as a positive question, which shall express a true and impartial
22 statement of the measure. The prosecuting attorney shall then promptly transmit
23 the referendum petition's ballot title to the auditor who shall provide it to the
24 petitioner within five (5) business days.
- 25 4. The petitioner shall have one hundred twenty (120) calendar days from the date of
26 delivery of the ballot title as required in 7.2.B(3) to collect signatures of the
27 required registered Clark County voters. The number of valid signatures collected
28 shall equal no less than:
 - 29 a. For an ordinance which is effective exclusively in the unincorporated
30 areas of the county, valid signatures shall number no less than ~~ten (10)~~
31 eight (8) percent of the total votes cast in unincorporated Clark County at
32 the last gubernatorial election, provided, however, the registered voters
33 signing the petition must be registered voters residing in unincorporated
34 Clark County and, further provided that the number of required signatures
35 shall be calculated based only upon votes cast within areas which, on the
36 date the referendum is initiated are unincorporated areas of the county.
 - 37 b. For all other ordinances, the number of valid signatures collected shall
38 equal no less than ~~ten eight (10) (8)~~ eight (8) percent of the total votes cast in the
39 county in the last gubernatorial election.

40 Each petition shall contain the full text of the referred measure and ballot title.
41 The auditor shall verify the number of signatures and, if valid, submit the
42 measure to voters at the next general election. If the ordinance subject to
43 referendum is one that is effective exclusively in unincorporated areas of the

1 county, only registered voters in unincorporated Clark County shall be
2 permitted to vote on the referendum. Petition signatures must be submitted to
3 the auditor for verification no less than one hundred fifty (150) calendar days
4 before the date of the next general election.

5
6 **Section 5. Effective Date.** This resolution proposing amendments to the Clark County Home
7 Rule Charter shall be effective immediately upon adoption.

8
9 **Section 6. Instructions to Staff.** The County Manager shall direct appropriate county staff to do
10 the following:

- 11
12 A. File a copy of this Resolution with the Clark County Auditor for submittal to the
13 voters at the next general election as a proposal to amend the Clark County Home
14 Rule Charter.
15 B. Transmit a copy to the Clark County Prosecutor and request preparation of an
16 appropriate ballot title for the proposed amendment.
17 C. If a majority of the voters vote in favor of the proposed amendment, post the
18 approved amendment and the entire Home Rule Charter, as amended, on the County
19 website.

1 ADOPTED at a regular meeting of the Clark County Charter Review Commission this 8th day of
2 December, 2021.

3
4 ATTEST:

FOR CLARK COUNTY CHARTER
REVIEW COMMISSION:


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9 Kelsey Potter, Secretary
10 Clark County Charter Review Commission

Kim D. Harless, Co-Chair
Clark County Charter Review Commission

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14 Approved as to form only
15 Anthony F. Golik
16 Prosecuting Attorney


Charles P. "Chuck" Green, Co-Chair
Clark County Charter Review Commission

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19 By: 
20 Christine Cook
21 Senior Deputy Prosecutor

1 CLARK COUNTY CHARTER REVIEW COMMISSION 2021

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Countywide At-Large Commissioners

- Doug Lasher
- Eric Holt
- Bridget McLeman

Councilor District 1 Commissioners

- Anthony Vendetti
- Kim Harless
- Chris Goodwin

Councilor District 2 Commissioners

- Chuck Green
- Kelsey Potter
- Dorothy Gasque

Councilor District 3 Commissioners

- Maureen Winningham
- Terri Niles
- Jeff Angelo

Councilor District 4 Commissioners

- Deanna Rusch
- John Latta
- Greg Anderson