

**CITY OF SEATTLE
OFFICE OF THE CITY CLERK**

GUIDE FOR CHARTER AMENDMENT PETITION
An Information Resource

May 2018

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.

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

CityClerk@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

Step 1 **RESOURCES:**

The following procedural resources are available for your review online and upon request from the Office of the City Clerk:

- [Seattle City Charter, Article XX](#)
- [Seattle Municipal Code \(SMC\) 2.08.030; 2.08.040](#)
- Revised Code of Washington (RCW) 29A.04.330, 29A.36.071, 29A.36.090, 29A.72.050, 35.22.120, 35.22.130, 35.21.005
- Charter Amendment Petition Guide (this document)

Please also refer to the [Revised Code of Washington](#) (RCW) and the current Elections Calendar issued by the Washington Secretary of State's Office for additional information.

Step 2 **CHARTER AMENDMENTS BY VOTER PETITION MAY BE PLACED ON THE BALLOT IN ODD-NUMBERED YEARS:**

Charter amendments that are proposed by the voters may be submitted to the voters of the City for their ratification or rejection at the next general municipal election occurring at least sixty days after the filing of such petition. Charter Art. XX, § 2. General municipal elections are held in odd-numbered years. RCW 29A.04.330 (1).

FILING OF PETITION:

One paper copy and one Word text copy of the proposed charter amendment petition, including the full text of the proposed amendment, and a letter of transmittal containing the name, address, and phone number of the contact person, should be filed with the City Clerk. (Charter Art. XX, § 2 (Charter amendments proposed by voters to “be submitted in the manner provided by law for the submission of propositions to the voters of the City.” Provisions applicable to initiative petitions include SMC 2.08.010, .030, and .040; See also RCW 35.21.005.)

Upon receiving such petition, the City Clerk will date the petition and transmittal, assign a petition serial number, and transmit a copy bearing its serial number and date of filing to the City Attorney. (SMC 2.08.010; RCW 29A.36.071).

Step 3

REVIEW OF PETITION FORM:

The City Clerk will review the proposed petition form for conformance to the established standards listed below:

Petitions must be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures must contain the text of the petition and the following warning language: (RCW 35.21.005; SMC 2.08.040).

"WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

In addition, it is unlawful for any person:

1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or
2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or
3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or

4. To sign any City of Seattle initiative, referendum, or Charter amendment knowing that he or she is not a registered voter of The City of Seattle.

Any violation of paragraphs 1, 2, 3, or 4 shall be punishable by a fine of not more than \$500 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. (Seattle Ordinance 94289, SMC 2.08.040, RCW 35.21.005)."

"CHARTER AMENDMENT PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

"To the City Council of The City of Seattle:

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the amendment to the City of Seattle Charter known as Charter Amendment Measure No. entitled:

(here set forth the established ballot title of the measure),

a full, true and correct copy of which is included herein, and we petition the Council to present said proposed Charter Amendment to the qualified electors of The City of Seattle for approval or rejection at the next general municipal election occurring in accordance with Article XX, Section 2 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated."

The City Clerk will review for the following:

- Does the petition contain the name, address, and phone number (optional) of petitioner or contact person? (SMC 2.08.010)
- Is the petition typewritten and in a readable font? (SMC 2.08.010)
- Is the petition printed on single sheets of paper of good writing quality? (SMC 2.08.030)
- Are the petition pages at least 8 ½" wide and 11" long, and not larger than 11" wide and 17" long? (SMC 2.08.030)
- Is there a top margin of at least 1"? (SMC 2.08.030)
- Is the complete text of the proposed amendment included on the petition form? (SMC 2.08.030)
- Are the signature lines numbered and there are not more than 20 signatures per page? (SMC 2.08.030)

APPROVAL OF PETITION FORM AND TEXT:

The City Clerk will notify the petition coordinator of the completed review of the proposed charter amendment petition within five business days after the date filed with the City Clerk. (SMC 2.08.010.B). The coordinator will receive a letter and a phone call from the City Clerk providing notification of the approval or rejection of the petition as to form (if approved, the ballot title prepared by the City Attorney will

also be included). (SMC 2.08.010.B, 2.08.020). If approved, a copy of the petition form will be provided to the Executive Director of the Ethics and Elections Commission. (SMC 2.08.010.B).

If a change in the original document filed is requested by the petition coordinator, the change will be considered a new filing. (Refer to Step 2)

Step 4. Preparation of the Ballot Title

The ballot title must be prepared by the City Attorney within five business days after receipt of the approved initiative petition from the City Clerk. SMC 2.08.020; RCW 29A.36.071. The ballot title must conform with the requirements of RCW 29A.36.071 and 29A.72.050. After preparation of the ballot title, the City Attorney must transmit it to the City Clerk, who must then file it with the King County Director of Records and Elections. SMC 2.08.020.

After a ballot title prepared by the City Attorney's Office has been filed with King County Elections, any person dissatisfied with the ballot title has ten days, not including Saturdays, Sundays and holidays, to appeal the King County Superior Court. The decision of the superior court is final, and the ballot title or statement certified by the court will be the established ballot title. (RCW 29A.36.090)

Step 5 PROCURING SIGNATURES:

Paid signature gatherers collecting petition signatures must visibly display a statement that 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)

Fifteen percent of the total votes cast for mayor at the last Mayoral election is the number of registered voter signatures needed to validate the charter amendment petition. Seattle City Charter, Art. XX, § 2.

Example: 2017 Mayoral race – 220,396 votes cast, so until the next Mayoral election, 33,060 valid signatures of registered Seattle voters will be required to qualify a charter amendment.

Each signature must be executed in ink or indelible pencil and must be followed by the printed name and address of the signer and the date of signing. (RCW 35.21.005(2).) (If additional information is requested on the petition, it must be noted as "optional.")

Signatures must be gathered within the 6 month period prior to submitting the signatures to the City Clerk. (RCW 35.21.005(8)).

If a person signs a petition more than once, all but the first valid signature must be rejected. (RCW 35.21.005(7); *Filo Foods LLC v. City of SeaTac*, 179 Wn.App. 401, 319 P.3d 817 (2014)).

Step 6

SIGNATURE SUBMITTAL:

When the required number of signatures are collected, the signed petitions must be filed with the City Clerk's Office. Contact with the City Clerk is recommended in advance in order to schedule an appointment for the filing 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 transmit the petitions to King County Records and Elections Division within three business days after they have been filed. (RCW 35.21.005(4)). Upon receipt of the petitions, King County Records and Elections Division will verify the validity of the signatures to determine sufficiency or insufficiency (Refer to Step 4 regarding the percentage formula for determining 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)).

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

COUNCIL ACTION PLACING MEASURE ON THE BALLOT:

If a sufficient number of valid signatures have been verified, the Council will pass a bill or adopt a resolution authorizing King County Elections to place the charter amendment on the ballot for a forthcoming general municipal election occurring at least sixty days after the filing of the petition. (Seattle City Charter, Art. XX, § 2). General municipal elections are held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years. (RCW 29A.04.330(1)).

The resolution must be presented to the county auditor no later than the day of the primary in an odd-numbered year which is held on the first Tuesday of August.

RCW 29A.04.330(1); RCW 29A.04.330(2)(d); RCW 29A.04.330(3); RCW 29A.04.311.

Step 8

ELECTION RESULTS:

Following the election, written notice will be sent to the City Clerk from King County certifying the results of the vote count.

If the charter amendment was passed by a majority of the voters, it becomes part of the Charter upon proclamation of the Mayor (within five days after certification of the election). Notice will be published in the City's official newspaper, the Daily Journal of Commerce. (Seattle City Charter, Art. XX, § 2).