

**San Juan County Charter Review Commission**  
**Propositions for November 2022 Ballot**

- 1) Establishing a New Position of Public Advocate for the Purpose of Helping Citizens Navigate the San Juan County Systems
- 2) Amending language in the County Charter to provide clarification regarding budget provisions for the Charter Review Commission (CRC), staff support requirements, and further resolution regarding the term length, procedures and duties of the CRC, and the role of the Prosecuting Attorney
- 3) Amending the current voting rules to include Ranked Choice Voting
- 4) Amending Signature Requirements Concerning Initiatives and Referendums

## **Charter Review Commission Proposition #1**

### **Re: Establishing a New Position of Public Advocate for the Purpose of Helping Citizens Navigate the San Juan County Systems**

The San Juan County Charter Sections 10.50 shall be amended to read as follows:

#### Section 10.50 – Information Management and Public Advocacy

(1) The County Manager shall establish procedures for maintaining a modern, efficient system for processing, maintaining and disposing of information and records; shall maintain a means to store and maintain, in retrievable manner, all County records which should not be destroyed and which are not necessary for the current operation of County government; and shall provide needed services for all branches of County government in a way that shall be deemed desirable for the efficient operation of the County government. These procedures shall be in compliance with general law and shall affect all departments of the County, elective or appointed.

(2) The Public Advocate shall establish procedures for the purpose of receiving, accepting and responding to public inquiries. The Public Advocate is a community outreach position accountable for organizing and implementing responses to citizens' questions on how to navigate the county systems, and to give access and opportunity for citizens (including employees) who raise concerns and voice complaints. The Public Advocate will not give legal advice. Should a whistleblower complaint be made to the Public Advocate, subject to applicable law, the Public Advocate will immediately refer the whistleblower complaint to the appropriate department and official

## **Charter Review Commission Proposition #2**

### **Re: Amending language in the County Charter to provide clarification regarding budget provisions for the Charter Review Commission (CRC), staff support requirements, and further resolution regarding the term length, procedures and duties of the CRC, and the role of the Prosecuting Attorney**

DELETE Section 9.22 – Expenditures

DELETE Section 9.32 – Amendments by the Charter Review Commission

RETITLE Section 9.20 – Election Procedures

ADD Section 9.22 – CRC Budget, Provisions, and Process

- (1) The County Council shall provide to the CRC reasonable funds, staff, facilities, and services appropriate to an elected County agency.
  - (a) Provisions shall be made in the budget for expenditures of the CRC during its scheduled term of office. Funds shall be provided to the CRC that are commensurate with the expenditures of the preceding CRC, plus an allowance for inflation. Should the funds provided prove to be inadequate to the task, the Commission may ask the County Council for additional funding, which may be provided at the Council's discretion.
  - (b) The County Manager shall provide an adequate in-person or virtual space for the Commission to conduct all of its meetings. The County Manager shall also arrange for the technical support the CRC needs to do its business, including adequate staff support and communications between its members and with the public. Within the first week following the certification of the election of the CRC members, the County Manager will meet with the new Commissioner receiving the most votes and relate the details of the provisions made for the Commission, as set out above.

- (c) Within two weeks of the certification of the election of the CRC members, the County Manager shall provide adequate staff support to the CRC to serve as CRC Clerk.
  - (d) Members of the CRC shall serve without salary, except that they shall be reimbursed for reasonable out-of-pocket expenses.
- (2) The term of the Charter Review Commission shall be one year, from January 1<sup>st</sup> of the year following its election until December 31<sup>st</sup> of that same year. The term shall end earlier only if the Chair, upon successful motion, approved by a two-thirds (2/3) vote of the entire CRC, sends notice to the legislative authority that the CRC has completed its work. Upon the sending and receipt of such notice, the term of the CRC and its Commissioners shall end.
- (3) The CRC shall file and register any proposed Charter amendment(s) with the County Auditor who shall submit the amendment(s) to the voters at the next November general election occurring at least ninety (90) days after the registration of the proposed amendment(s) with the Auditor. The CRC shall also submit the proposed amendment(s) to the legislative authority, for informational purposes. The CRC shall pass a resolution to accompany the proposed amendment(s) to the Auditor.
- (4) No later than its second regular meeting, the Chair of the CRC will ask the Prosecuting Attorney to appear before the CRC and delineate the following: a) the nature and limits of the CRC's legal authority, and b) the practices and procedures followed by the Office of the Prosecuting Attorney in the event of conflict of interest between county bodies and other authorities represented by that office.

## **Charter Review Commission Proposition #3**

### **Re: Amending the current voting rules to include Ranked Choice Voting**

Section 5.10 (Election Procedures) of the San Juan County Charter shall be amended to read as follows:

(1) Except as provided in this Charter, nominating primaries and elections of the County Sheriff, County Treasurer, County Clerk, County Auditor, and County Assessor shall be conducted in accordance with general law governing the election of non-partisan County offices. Except as provided in this Charter, nominating primaries and elections of the Legislative Body shall be conducted in accordance with general law governing the election of non-partisan County officers. The election of the Prosecuting Attorney shall be as provided by state law.

(2) When Washington State Law provides for a method of ranked choice voting for candidates for any office in Washington State, that ranked choice voting method for conducting elections for non-partisan office, as amended, authorized and approved by the State of Washington shall be used for the elections of candidates for the offices of County Sheriff, County Treasurer, County Clerk, County Auditor, County Assessor, Prosecuting Attorney, and Legislative Body members, and the method of election called for in subsection 5.10(1) of the San Juan County Charter will be discontinued.

Section 5.32 (County Council – Nominations) of the San Juan County Charter shall be amended to read as follows:

Qualified voters of the County shall nominate candidates for the County Council. Such candidates shall be nominated by countywide primary election for non-partisan office in the same manner as candidates for other County offices. (RCW 36.32.040) Should San Juan County adopt a method of ranked choice voting that combines the primary and general elections, this section shall not be applicable.

Section 5.33 (County Council – Elections) of the San Juan County Charter shall be amended to read as follows:

County Council members shall be elected by the qualified voters of the County in a countywide general election. The person receiving the highest number of votes for the position shall be declared duly elected, unless the election method is by ranked choice voting, in which case the person receiving the majority of votes under the ranked choice voting method shall be declared duly-elected.

## **San Juan County Charter Review Commission Findings**

Charter Review Commission (CRC) findings are derived from research by CRC members, presentations by former and present elected officials, comments received from the public, and the experience and input of CRC members. Each of the findings listed below identifies a problem with the existing Charter and states the CRC's solution to those problems. Divided votes indicate that some CRC members' interpretations and conclusions differed from those of the majority; however, the majority supported the finding.

All evidence supporting the following findings, including documents and oral and written comments by elected and appointed officials, as well as members of the public, was presented and discussed at regular open public meetings of the CRC. Oral and written presentations made the CRC are referenced in CRC minutes, which are available at [www.sanjuanco.com](http://www.sanjuanco.com) on the Charter Review Commission page.

### Finding 1. Ranked Choice Voting

As one of the three Home Rule Charter counties in Washington State that holds nonpartisan elections, San Juan County (SJC) has a unique opportunity to include ranked choice voting (RCV) in its Charter. RCV is a method of voting which gives voters the option to vote for several candidates in the same race, ranking them in order of preference. Thus, RCV ensures that the winner has the broadest possible support.

Under RCV, votes are counted in rounds. If one candidate gets more than half the votes, they win. However, if no candidate gets more than half of the first-choice votes, the candidate with

the fewest votes is eliminated. If a voter's favorite candidate was eliminated, their vote counts for their next choice. These rounds repeat until a candidate wins more than half of the votes. RCV is also known as instant runoff voting.

In top two elections, it is possible for a candidate to advance to the general election without broad support among the public. This can happen when candidates with similar views and platforms "split the vote." RCV significantly reduces the effect of vote splitting by allowing voters to rank backup choices if their preferred candidate does not win. With RCV, similar candidates can run for the same position without hampering each other's chances and winning candidates are likely to have broad voter support.

The CRC proposes the amendment for the 2022 ballot to stipulate that RCV will be implemented in SJC as soon as the Washington State Legislature passes it at the state level. Adding RCV to the SJC Charter in 2022 sends a message to the State Legislature that the majority of SJC voters want to implement this method of voting. CRC research on RCV resulted in the following findings:

- RCV gives voters more choice and more power in the political system while saving time and money.
- RCV allows voters to rank backup choices and avoid "throwing away their vote" on a candidate who either drops out of the race or is not one of the top finishers.
- RCV reduces the likelihood of a "spoiler" candidate altering the results of an election because voters who cast a vote for that candidate can rank backup choices that will reveal which candidate is preferred by the most voters.
- RCV makes it far less likely that low voter turnout in a primary election will eliminate a candidate who might otherwise win in a high voter turnout general election.
- RCV would likely encourage more residents to run for office in the county because:
  - RCV reduces vote splitting, allowing similar candidates to run without harming each other's chances. This also means political parties are far less likely to serve as "gatekeepers" by discouraging first-time candidates from running for fear that they will split the vote with the party's frontrunner.

- For jurisdictions that use RCV to combine the primary and the general into a single election, as SJC proposes to do, the costs of campaigning are significantly reduced, because candidates only have to run once, not twice. Lowering the cost of campaigning opens the door to more first-time candidates.
- Research has consistently demonstrated that RCV campaigns tend to be less negative (a finding reported by both voters and candidates). The more issues-focused climate of RCV campaigns is partly responsible for encouraging more candidates to run, particularly women and people of color.
- Candidates are motivated to run positive, issue-focused campaigns and to reach out to all voters because even if a candidate is not a voter's *first* choice, they hope to stay in the running as their *second* or *third* choice candidate. For this reason, candidates are less likely to engage in negative campaigning against other candidates.
- In states and municipalities where RCV has been used over the last decade, RCV saves a significant amount of money. For example, RCV can be used in a single election without the need for a nominating primary. RCV saves public funds by combining the primary and general elections.
- RCV has become a more widely accepted method of voting, educational materials are more widely available, and RCV voting systems have become easier and more cost-effective to put in place.
- RCV has been enacted in over 50 jurisdictions across the United States, including San Francisco (CA), Minneapolis (MN), Santa Fe (NM), Cambridge (MA), New York (NY), over 20 cities in the state of Utah, and the states of Alaska and Maine. A full list of jurisdictions in the U.S. using RCV is available at:  
[https://www.fairvote.org/where\\_is\\_ranked\\_choice\\_voting\\_used](https://www.fairvote.org/where_is_ranked_choice_voting_used)

In summary, RCV would have a positive impact on both the process and outcome of elections in San Juan County by enhancing the democratic process at minimal cost, encouraging more candidates to run for office while conducting more positive issue-oriented campaigns.

The Local Options Bill, SHB 1156, has been introduced for the 2021-22 state legislative session in Washington State. It gives localities the option to adopt ranked choice voting.



**Charter Review Commission Proposition #4**  
**Re: Amending Signature Requirements Concerning Initiatives and**  
**Referendums**

The San Juan County Charter Sections 6.22 and 6.41 shall be amended to read as follows:

Section 6.22 – Initiative – Procedures

(1) Any legal voter or organization of legal voters of San Juan County may file an initiative proposal with the County Auditor, who within five (5) working days shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the initiative by giving the proposed initiative a number, which shall thereafter be the identifying number for the measure.

(2) The County Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate a concise statement, posed as a positive question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.

(3) The petitioner then has one-hundred-twenty (120) days to collect the signatures of the registered voters in the County equal in number to at least ~~fifteen (15)~~ eight (8) percent of the votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title.

(4) The County Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petition.

(5) The County Council may choose to enact the proposal without change or amendment. If the County Council does not adopt the proposed measure and adopts a substitute measure

concerning the same subject matter, the substitute proposal shall be placed on the same ballot with the initiative proposal.

(6) The voters shall be given the choice of accepting either or rejecting both. The voters shall then be given the choice of accepting one and rejecting the other.

If a majority of those voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue.

#### Section 6.41 – Referendum – Procedures

(1) Any legal voter or organization of legal voters of San Juan County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the County Auditor within forty-five (45) days after the ordinance is passed by the County Council.

(2) Within five (5) working days, the County Auditor shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the referendum by giving the referendum proposal a number, which shall thereafter be the identifying number for the measure.

(3) The County Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.

(4) The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the County equal in number to at least ~~fifteen (15)~~ eight (8) percent of the number of votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the measure being referred and the ballot title.

(5) The County Auditor shall verify the sufficiency of the signatures on the petition and if validated, submit the measure to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petitions.

### **Findings for Lowering the Number of Signatures Required for Initiatives and Referendums.**

The San Juan County Charter provides for direct democracy through Initiative, Mini-Initiative and Referendum. A San Juan County registered voter or group of voters may sponsor an initiative proposal by filing with the County auditor a proposal to enact a new ordinance or an amendment to an existing ordinance. A voter or group of voters may sponsor a referendum proposal by filing with the County auditor a proposal to repeal any enacted ordinance, or portion thereof. Valid signatures of Fifteen percent (15%) of voters in the last gubernatorial election are required to place the question on the ballot. Since some signatures fail to be valid, additional signatures are required. Per the Washington Secretary of State, the average rate of invalid signatures on petitions is 15%. They recommend obtaining at least 20 percent more signatures than the minimum threshold requires. Therefore, the signature gathering goal would actually be 18% of voters from the last gubernatorial election, in order to assure the minimum requirement.

At 15% (in reality 18%), San Juan County has the highest signature requirement of all counties in the state of Washington. Clallam, Clark, King, and Pierce Counties enjoy 10% signature requirements (would really need 12%); Whatcom County requires 8% (9.6%), while Snohomish requires 7% (8.4%).

The Washington state standard is 8% of the votes counted in the last gubernatorial election. The States of California, Oregon, and Idaho only require 6% of gubernatorial voter turnouts to propose amendments to statute.

San Juan County is the smallest of the Home-rule charter counties vested with a healthy culture of political activism and pursuit of direct democracy. It consistently has a very high voter turnout. In the last gubernatorial election, San Juan county had the highest percentage (90.76%) of

voter participation in the state of Washington (84.11% state average). Even though this is to be celebrated, this further increases the number of signatures required to place an initiative on the ballot.

The Charter review commission proposes lowering the required number of signatures to gather in order to activate and inspire a more robust culture of direct democracy for our county.