
HOUSE BILL 1169

State of Washington

57th Legislature

2001 Regular Session

By Representatives Ogden, Dunn, Fromhold and Reardon

Read first time 01/19/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to annexation; and amending RCW 35.13.130,
2 35.21.005, and 35A.01.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to read
5 as follows:

6 A petition for annexation of an area contiguous to a city or town
7 may be made in writing addressed to and filed with the legislative body
8 of the municipality to which annexation is desired. Except where all
9 the property sought to be annexed is property of a school district, and
10 the school directors thereof file the petition for annexation as in RCW
11 28A.335.110 authorized, the petition must be signed by the owners of
12 not less than (~~seventy-five~~) sixty percent in value according to the
13 assessed valuation for general taxation of the property for which
14 annexation is petitioned: PROVIDED, That in cities and towns with
15 populations greater than one hundred sixty thousand located east of the
16 Cascade mountains, the owner of tax exempt property may sign an
17 annexation petition and have the tax exempt property annexed into the
18 city or town, but the value of the tax exempt property shall not be
19 used in calculating the sufficiency of the required property owner

1 signatures unless only tax exempt property is proposed to be annexed
2 into the city or town. The petition shall set forth a description of
3 the property according to government legal subdivisions or legal plats
4 which is in compliance with RCW 35.02.170, and shall be accompanied by
5 a plat which outlines the boundaries of the property sought to be
6 annexed. If the legislative body has required the assumption of all or
7 of any portion of city or town indebtedness by the area annexed, and/or
8 the adoption of a comprehensive plan for the area to be annexed, these
9 facts, together with a quotation of the minute entry of such
10 requirement or requirements shall be set forth in the petition.

11 **Sec. 2.** RCW 35.21.005 and 1996 c 286 s 6 are each amended to read
12 as follows:

13 Wherever in this title petitions are required to be signed and
14 filed, the following rules shall govern the sufficiency thereof:

15 (1) A petition may include any page or group of pages containing an
16 identical text or prayer intended by the circulators, signers or
17 sponsors to be presented and considered as one petition and containing
18 the following essential elements when applicable, except that the
19 elements referred to in (d) and (e) of this subsection are essential
20 for petitions referring or initiating legislative matters to the
21 voters, but are directory as to other petitions:

22 (a) The text or prayer of the petition which shall be a concise
23 statement of the action or relief sought by petitioners and shall
24 include a reference to the applicable state statute or city ordinance,
25 if any;

26 (b) If the petition initiates or refers an ordinance, a true copy
27 thereof;

28 (c) If the petition seeks the annexation, incorporation,
29 withdrawal, or reduction of an area for any purpose, an accurate legal
30 description of the area proposed for such action and if practical, a
31 map of the area;

32 (d) Numbered lines for signatures with space provided beside each
33 signature for the name and address of the signer and the date of
34 signing;

35 (e) The warning statement prescribed in subsection (2) of this
36 section.

37 (2) Petitions shall be printed or typed on single sheets of white
38 paper of good quality and each sheet of petition paper having a space

1 thereon for signatures shall contain the text or prayer of the petition
2 and the following warning:

3 WARNING

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

10 Each signature shall be executed in ink or indelible pencil and
11 shall be followed by the name and address of the signer and the date of
12 signing.

13 (3) The term "signer" means any person who signs his or her own
14 name to the petition.

15 (4) To be sufficient a petition must contain valid signatures of
16 qualified registered voters or property owners, as the case may be, in
17 the number required by the applicable statute or ordinance. Within
18 three working days after the filing of a petition, the officer with
19 whom the petition is filed shall transmit the petition to the county
20 auditor for petitions signed by registered voters, or to the county
21 assessor for petitions signed by property owners for determination of
22 sufficiency. The officer whose duty it is to determine the sufficiency
23 of the petition shall proceed to make such a determination with
24 reasonable promptness and shall file with the officer receiving the
25 petition for filing a certificate stating the date upon which such
26 determination was begun, which date shall be referred to as the
27 terminal date. Additional pages of one or more signatures may be added
28 to the petition by filing the same with the appropriate filing officer
29 prior to such terminal date. Any signer of a filed petition may
30 withdraw his or her signature by a written request for withdrawal filed
31 with the receiving officer prior to such terminal date. Such written
32 request shall so sufficiently describe the petition as to make
33 identification of the person and the petition certain. The name of any
34 person seeking to withdraw shall be signed exactly the same as
35 contained on the petition and, after the filing of such request for
36 withdrawal, prior to the terminal date, the signature of any person
37 seeking such withdrawal shall be deemed withdrawn.

1 (5) Petitions containing the required number of signatures shall be
2 accepted as prima facie valid until their invalidity has been proved.

3 (6) A variation on petitions between the signatures on the petition
4 and that on the voter's permanent registration caused by the
5 substitution of initials instead of the first or middle names, or both,
6 shall not invalidate the signature on the petition if the surname and
7 handwriting are the same.

8 (7) Signatures, including the original, of any person who has
9 signed a petition two or more times shall be stricken.

10 (8) Signatures followed by a date of signing which is more than six
11 months prior to the date of filing of the petition shall be stricken.
12 However, in the case of annexation petitions, only signatures followed
13 by a date of signing which is more than twenty-four months prior to the
14 date of filing of the petition with the legislative body of the
15 municipality to which annexation is desired shall be stricken.

16 (9) When petitions are required to be signed by the owners of
17 property, the determination shall be made by the county assessor.
18 Where validation of signatures to the petition is required, the
19 following shall apply:

20 (a) The signature of a record owner, as determined by the records
21 of the county auditor, shall be sufficient without the signature of his
22 or her spouse;

23 (b) In the case of mortgaged property, the signature of the
24 mortgagor shall be sufficient, without the signature of his or her
25 spouse;

26 (c) In the case of property purchased on contract, the signature of
27 the contract purchaser, as shown by the records of the county auditor,
28 shall be deemed sufficient, without the signature of his or her spouse;

29 (d) Any officer of a corporation owning land within the area
30 involved who is duly authorized to execute deeds or encumbrances on
31 behalf of the corporation, may sign on behalf of such corporation, and
32 shall attach to the petition a certified excerpt from the bylaws of
33 such corporation showing such authority;

34 (e) When property stands in the name of a deceased person or any
35 person for whom a guardian has been appointed, the signature of the
36 executor, administrator, or guardian, as the case may be, shall be
37 equivalent to the signature of the owner of the property.

1 (10) The officer who is responsible for determining the sufficiency
2 of the petition shall do so in writing and transmit the written
3 certificate to the officer with whom the petition was originally filed.

4 **Sec. 3.** RCW 35A.01.040 and 1996 c 286 s 7 are each amended to read
5 as follows:

6 Wherever in this title petitions are required to be signed and
7 filed, the following rules shall govern the sufficiency thereof:

8 (1) A petition may include any page or group of pages containing an
9 identical text or prayer intended by the circulators, signers or
10 sponsors to be presented and considered as one petition and containing
11 the following essential elements when applicable, except that the
12 elements referred to in (d) and (e) of this subsection are essential
13 for petitions referring or initiating legislative matters to the
14 voters, but are directory as to other petitions:

15 (a) The text or prayer of the petition which shall be a concise
16 statement of the action or relief sought by petitioners and shall
17 include a reference to the applicable state statute or city ordinance,
18 if any;

19 (b) If the petition initiates or refers an ordinance, a true copy
20 thereof;

21 (c) If the petition seeks the annexation, incorporation,
22 withdrawal, or reduction of an area for any purpose, an accurate legal
23 description of the area proposed for such action and if practical, a
24 map of the area;

25 (d) Numbered lines for signatures with space provided beside each
26 signature for the name and address of the signer and the date of
27 signing;

28 (e) The warning statement prescribed in subsection (2) of this
29 section.

30 (2) Petitions shall be printed or typed on single sheets of white
31 paper of good quality and each sheet of petition paper having a space
32 thereon for signatures shall contain the text or prayer of the petition
33 and the following warning:

34 WARNING

35 Every person who signs this petition with any other than his or
36 her true name, or who knowingly signs more than one of these
37 petitions, or signs a petition seeking an election when he or

1 she is not a legal voter, or signs a petition when he or she is
2 otherwise not qualified to sign, or who makes herein any false
3 statement, shall be guilty of a misdemeanor.

4 Each signature shall be executed in ink or indelible pencil and
5 shall be followed by the name and address of the signer and the date of
6 signing.

7 (3) The term "signer" means any person who signs his or her own
8 name to the petition.

9 (4) To be sufficient a petition must contain valid signatures of
10 qualified registered voters or property owners, as the case may be, in
11 the number required by the applicable statute or ordinance. Within
12 three working days after the filing of a petition, the officer with
13 whom the petition is filed shall transmit the petition to the county
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15 assessor for petitions signed by property owners for determination of
16 sufficiency. The officer whose duty it is to determine the sufficiency
17 of the petition shall proceed to make such a determination with
18 reasonable promptness and shall file with the officer receiving the
19 petition for filing a certificate stating the date upon which such
20 determination was begun, which date shall be referred to as the
21 terminal date. Additional pages of one or more signatures may be added
22 to the petition by filing the same with the appropriate filing officer
23 prior to such terminal date. Any signer of a filed petition may
24 withdraw his or her signature by a written request for withdrawal filed
25 with the receiving officer prior to such terminal date. Such written
26 request shall so sufficiently describe the petition as to make
27 identification of the person and the petition certain. The name of any
28 person seeking to withdraw shall be signed exactly the same as
29 contained on the petition and, after the filing of such request for
30 withdrawal, prior to the terminal date, the signature of any person
31 seeking such withdrawal shall be deemed withdrawn.

32 (5) Petitions containing the required number of signatures shall be
33 accepted as prima facie valid until their invalidity has been proved.

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35 and that on the voter's permanent registration caused by the
36 substitution of initials instead of the first or middle names, or both,
37 shall not invalidate the signature on the petition if the surname and
38 handwriting are the same.

1 (7) Signatures, including the original, of any person who has
2 signed a petition two or more times shall be stricken.

3 (8) Signatures followed by a date of signing which is more than six
4 months prior to the date of filing of the petition shall be stricken.
5 However, in the case of annexation petitions, only signatures followed
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7 date of filing of the petition with the legislative body of the
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14 of the county auditor, shall be sufficient without the signature of his
15 or her spouse;

16 (b) In the case of mortgaged property, the signature of the
17 mortgagor shall be sufficient, without the signature of his or her
18 spouse;

19 (c) In the case of property purchased on contract, the signature of
20 the contract purchaser, as shown by the records of the county auditor,
21 shall be deemed sufficient, without the signature of his or her spouse;

22 (d) Any officer of a corporation owning land within the area
23 involved who is duly authorized to execute deeds or encumbrances on
24 behalf of the corporation, may sign on behalf of such corporation, and
25 shall attach to the petition a certified excerpt from the bylaws of
26 such corporation showing such authority;

27 (e) When property stands in the name of a deceased person or any
28 person for whom a guardian has been appointed, the signature of the
29 executor, administrator, or guardian, as the case may be, shall be
30 equivalent to the signature of the owner of the property.

31 (10) The officer who is responsible for determining the sufficiency
32 of the petition shall do so in writing and transmit the written
33 certificate to the officer with whom the petition was originally filed.

34 NEW SECTION. **Sec. 4.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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