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HOUSE BILL 2564

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Holmquist, Mulliken, Dunshee, Edwards, DeBolt, Sullivan, Mielke, Hatfield, Schindler, Berkey, Dunn, Crouse, Kirby, Boldt and Benson

Read first time 01/21/2002. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to changing references in annexation procedures  
2 from "qualified electors" to "registered voters"; amending RCW  
3 35A.14.299 and 35A.14.020; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Referendum petitions for annexations must be  
6 signed by a requisite number of qualified electors in order to be  
7 placed on the ballot. Unlike registered voters, there is no record of  
8 qualified electors within a city or town. Consequently there is no way  
9 of determining the validity of individual signatures or whether the  
10 requisite number of qualified electors have signed a petition.

11 It is the legislature's intent to replace the "qualified electors"  
12 with "registered voters."

13 **Sec. 2.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each  
14 amended to read as follows:

15 Such annexation ordinance as provided for in RCW 35A.14.297 shall  
16 be subject to referendum for forty-five days after the passage thereof.  
17 Upon the filing of a timely and sufficient referendum petition with the  
18 legislative body, signed by (~~qualified electors~~) registered voters in

1 number equal to not less than ten percent of the votes cast in the last  
2 general state election in the area to be annexed, the question of  
3 annexation shall be submitted to the voters of such area in a general  
4 election if one is to be held within ninety days or at a special  
5 election called for that purpose not less than forty-five days nor more  
6 than ninety days after the filing of the referendum petition. Notice  
7 of such election shall be given as provided in RCW 35A.14.070 ((and the  
8 election shall be conducted as provided in RCW 35A.14.060)). The  
9 annexation shall be deemed approved by the voters unless a majority of  
10 the votes cast on the proposition are in opposition thereto.

11 After the expiration of the forty-fifth day from but excluding the  
12 date of passage of the annexation ordinance, if no timely and  
13 sufficient referendum petition has been filed, the area annexed shall  
14 become a part of the code city upon the date fixed in the ordinance of  
15 annexation. From and after such date, if the ordinance so provided,  
16 property in the annexed area shall be subject to the proposed zoning  
17 regulation prepared and filed for such area as provided in RCW  
18 35A.14.330 and 35A.14.340. If the ordinance so provided, all property  
19 within the area annexed shall be assessed and taxed at the same rate  
20 and on the same basis as the property of such annexing code city is  
21 assessed and taxed to pay for any then outstanding indebtedness of such  
22 city contracted prior to, or existing at, the date of annexation.

23 **Sec. 3.** RCW 35A.14.020 and 1989 c 351 s 4 are each amended to read  
24 as follows:

25 When a petition is sufficient under the rules set forth in RCW  
26 35A.01.040, calling for an election to vote upon the annexation of  
27 unincorporated territory contiguous to a code city, describing the  
28 boundaries of the area proposed to be annexed, stating the number of  
29 voters therein as nearly as may be, and signed by ((qualified  
30 electors)) registered voters resident in such territory equal in number  
31 to ten percent of the votes cast at the last state general election  
32 therein, it shall be filed with the auditor of the county in which all,  
33 or the greatest portion, of the territory is located, and a copy of the  
34 petition shall be filed with the legislative body of the code city. If  
35 the territory is located in more than a single county, the auditor of  
36 the county with whom the petition is filed shall act as the lead  
37 auditor and transmit a copy of the petition to the auditor of each  
38 other county within which a portion of the territory is located. The

1 auditor or auditors shall examine the petition, and the auditor or lead  
2 auditor shall certify the sufficiency of the petition to the  
3 legislative authority of the code city.

4 If the signatures on the petition are certified as containing  
5 sufficient valid signatures, the city legislative authority shall, by  
6 resolution entered within sixty days thereafter, notify the  
7 petitioners, either by mail or by publication in the same manner notice  
8 of hearing is required by RCW 35A.14.040 to be published, of its  
9 approval or rejection of the proposed action. In approving the  
10 proposed action, the legislative body may require that there also be  
11 submitted to the electorate of the territory to be annexed, a  
12 proposition that all property within the area to be annexed shall, upon  
13 annexation, be assessed and taxed at the same rate and on the same  
14 basis as the property of such annexing city is assessed and taxed to  
15 pay for all or any portion of the then-outstanding indebtedness of the  
16 city to which said area is annexed, which indebtedness has been  
17 approved by the voters, contracted for, or incurred prior to, or  
18 existing at, the date of annexation. Only after the legislative body  
19 has completed preparation and filing of a proposed zoning regulation  
20 for the area to be annexed as provided for in RCW 35A.14.330 and  
21 35A.14.340, the legislative body in approving the proposed action, may  
22 require that the proposed zoning regulation be simultaneously adopted  
23 upon the approval of annexation by the electorate of the area to be  
24 annexed. The approval of the legislative body shall be a condition  
25 precedent to further proceedings upon the petition. The costs of  
26 conducting the election called for in the petition shall be a charge  
27 against the city concerned. The proposition or questions provided for  
28 in this section may be submitted to the voter either separately or as  
29 a single proposition.

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