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SENATE BILL 5244

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State of Washington

57th Legislature

2001 Regular Session

By Senator Carlson

Read first time 01/17/2001. Referred to Committee on State & Local Government.

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.

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5 shall be followed by the name and address of the signer and the date of  
6 signing.

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18 reasonable promptness and shall file with the officer receiving the  
19 petition for filing a certificate stating the date upon which such  
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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.

34 (6) A variation on petitions between the signatures on the petition  
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.

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2 signed a petition two or more times shall be stricken.

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4 months prior to the date of filing of the petition shall be stricken.  
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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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