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HOUSE BILL 1992

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Schual-Berke and Upthegrove

Read first time 02/18/2003. Referred to Committee on State Government.

1 AN ACT Relating to recall elections; amending RCW 29.82.010 and  
2 29.82.030; and providing a contingent effective date.

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

4 **Sec. 1.** RCW 29.82.010 and 1984 c 170 s 1 are each amended to read  
5 as follows:

6 Whenever any legal voter of the state or of any political  
7 subdivision thereof, either individually or on behalf of an  
8 organization, desires to demand the recall and discharge of any  
9 elective public officer of the state or of such political subdivision,  
10 as the case may be, under the provisions of sections 33 and 34 of  
11 Article 1 of the Constitution, (~~he or they~~) the voter or organization  
12 shall prepare a typewritten charge, reciting that such officer, naming  
13 him or her and giving the title of (~~his~~) the office, has committed an  
14 act or acts of malfeasance, or an act or acts of misfeasance while in  
15 office, or has violated his oath of office, or has violated campaign  
16 finance laws in a manner that probably affected the outcome of the  
17 election, or has been guilty of any two or more of the acts specified  
18 in the Constitution as grounds for recall. The charge shall state the  
19 act or acts complained of in concise language, give a detailed

1 description including the approximate date, location, and nature of  
2 each act complained of, be signed by the person or persons making the  
3 charge, give their respective post office addresses, and be verified  
4 under oath that (~~he or they~~) the person or persons believe the charge  
5 or charges to be true and have knowledge of the alleged facts upon  
6 which the stated grounds for recall are based.

7 For the purposes of this chapter:

8 (1) "Misfeasance" or "malfeasance" in office means any wrongful  
9 conduct that affects, interrupts, or interferes with the performance of  
10 official duty;

11 (a) Additionally, "misfeasance" in office means the performance of  
12 a duty in an improper manner; and

13 (b) Additionally, "malfeasance" in office means the commission of  
14 an unlawful act;

15 (2) "Violation of the oath of office" means the willful neglect or  
16 failure by an elective public officer to perform faithfully a duty  
17 imposed by law.

18 **Sec. 2.** RCW 29.82.030 and 1984 c 170 s 6 are each amended to read  
19 as follows:

20 Recall petitions shall be printed on single sheets of paper of good  
21 writing quality (including but not limited to newsprint) not less than  
22 eleven inches in width and not less than fourteen inches in length. No  
23 petition may be circulated or signed prior to the first day of the one  
24 hundred eighty or two hundred seventy day period established by RCW  
25 29.82.025 for that recall petition. Such petitions shall be  
26 substantially in the following form:

27 **WARNING**

28 Every person who signs this petition with any other than his or her  
29 true name, or who knowingly (1) signs more than one of these petitions,  
30 (2) signs this petition when he or she is not a legal voter, or (3)  
31 makes herein any false statement, may be fined, or imprisoned, or both.

32 Petition for the recall of (here insert the name of the office and  
33 of the person whose recall is petitioned for) to the Honorable (here  
34 insert the name and title of the officer with whom the charge is  
35 filed).

36 We, the undersigned citizens and legal voters of (the state of  
37 Washington or the political subdivision in which the recall is to be

1 held), respectfully direct that a special election be called to  
 2 determine whether or not (here insert the name of the person charged  
 3 and the office (~~(which he holds)~~) held) be recalled and discharged from  
 4 (~~(his)~~) office, for and on account of (~~(his)~~) having committed the act  
 5 or acts of malfeasance or misfeasance while in office, (~~(or)~~) having  
 6 violated (~~(his)~~) the oath of office, or having violated campaign  
 7 finance laws in a manner that probably affected the outcome of the  
 8 election, as the case may be), in the following particulars: (here  
 9 insert the synopsis of the charge); and each of us for himself or  
 10 herself says: I have personally signed this petition; I am a legal  
 11 voter of the State of Washington in the precinct and city (or town) and  
 12 county written after my name, and my residence address is correctly  
 13 stated, and to my knowledge, have signed this petition only once.

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Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

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etc.				

24 NEW SECTION. Sec. 3. This act takes effect January 1, 2004, if  
 25 the proposed amendment to Article I, section 33 of the state  
 26 Constitution (HJR . . . .) is validly submitted to and is approved and  
 27 ratified by the voters at a general election held in November 2003. If  
 28 the proposed amendment is not approved and ratified, this act is void  
 29 in its entirety.

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