
HOUSE BILL 1389

State of Washington

59th Legislature

2005 Regular Session

By Representatives Upthegrove and Schual-Berke

Read first time 01/21/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to grounds for recall; amending RCW 29A.56.110 and
2 29A.56.160; and providing a contingent effective date.

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

4 **Sec. 1.** RCW 29A.56.110 and 2003 c 111 s 1407 are each amended to
5 read 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, the voter or organization shall prepare
12 a typewritten charge, reciting that such officer, naming him or her and
13 giving the title of the office, has committed an act or acts of
14 malfeasance, or an act or acts of misfeasance while in office, or has
15 violated the oath of office, or has violated campaign finance laws in
16 a manner that probably affected the outcome of the election, or has
17 been guilty of any two or more of the acts specified in the
18 Constitution as grounds for recall. The charge shall state the act or
19 acts complained of in concise language, give a detailed description

1 including the approximate date, location, and nature of each act
2 complained of, be signed by the person or persons making the charge,
3 give their respective post office addresses, and be verified under oath
4 that the person or persons believe the charge or charges to be true and
5 have knowledge of the alleged facts upon which the stated grounds for
6 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 neglect or knowing
16 failure by an elective public officer to perform faithfully a duty
17 imposed by law.

18 **Sec. 2.** RCW 29A.56.160 and 2003 c 111 s 1412 are each amended to
19 read as follows:

20 Recall petitions must 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 29A.56.150 for that recall petition. The petitions must be
26 substantially in the following form:

27 The warning prescribed by RCW 29A.72.140; followed by:

28 Petition for the recall of (here insert the name of the office and
29 of the person whose recall is petitioned for) to the Honorable (here
30 insert the name and title of the officer with whom the charge is
31 filed).

32 We, the undersigned citizens and legal voters of (the state of
33 Washington or the political subdivision in which the recall is to be
34 held), respectfully direct that a special election be called to
35 determine whether or not (here insert the name of the person charged
36 and the office which he or she holds) be recalled and discharged from
37 his or her office, for and on account of (his or her having committed

1 the act or acts of malfeasance or misfeasance while in office, or
2 having violated his or her oath of office, or having violated campaign
3 finance laws in a manner that probably affected the outcome of the
4 election, as the case may be), in the following particulars: (here
5 insert the synopsis of the charge); and each of us for himself or
6 herself says: I have personally signed this petition; I am a legal
7 voter of the State of Washington in the precinct and city (or town) and
8 county written after my name, and my residence address is correctly
9 stated, and to my knowledge, have signed this petition only once.

10 The petition must include a place for each petitioner to sign and
11 print his or her name, and the address, city, and county at which he or
12 she is registered to vote.

13 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2006, if
14 the proposed amendment to Article I, section 33 of the state
15 Constitution (HJR) is validly submitted to and is approved and
16 ratified by the voters at a general election held in November 2005. If
17 the proposed amendment is not approved and ratified, this act is void
18 in its entirety.

--- END ---