
SUBSTITUTE HOUSE BILL 2482

State of Washington **60th Legislature** **2008 Regular Session**

By House Local Government (originally sponsored by Representative Moeller)

READ FIRST TIME 01/28/08.

1 AN ACT Relating to the signature validation process for petitions
2 that seek annexation; and amending RCW 35.21.005 and 35A.01.040.

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

4 **Sec. 1.** RCW 35.21.005 and 2003 c 331 s 8 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;

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

3 (c) If the petition seeks the annexation, incorporation,
4 withdrawal, or reduction of an area for any purpose, an accurate legal
5 description of the area proposed for such action and if practical, a
6 map of the area;

7 (d) Numbered lines for signatures with space provided beside each
8 signature for the name and address of the signer and the date of
9 signing;

10 (e) The warning statement prescribed in subsection (2) of this
11 section.

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

16 WARNING

17 Every person who signs this petition with any other than his or
18 her true name, or who knowingly signs more than one of these
19 petitions, or signs a petition seeking an election when he or
20 she is not a legal voter, or signs a petition when he or she is
21 otherwise not qualified to sign, or who makes herein any false
22 statement, shall be guilty of a misdemeanor.

23 Each signature shall be executed in ink or indelible pencil and
24 shall be followed by the name and address of the signer and the date of
25 signing.

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

28 (4) To be sufficient a petition must contain valid signatures of
29 qualified registered voters or property owners, as the case may be, in
30 the number required by the applicable statute or ordinance. Within
31 three working days after the filing of a petition, the officer with
32 whom the petition is filed shall transmit the petition to the county
33 auditor for petitions signed by registered voters, or to the county
34 assessor for petitions signed by property owners for determination of
35 sufficiency. The officer or officers whose duty it is to determine the
36 sufficiency of the petition shall proceed to make such a determination
37 with reasonable promptness and shall file with the officer receiving

1 the petition for filing a certificate stating the date upon which such
2 determination was begun, which date shall be referred to as the
3 terminal date. Additional pages of one or more signatures may be added
4 to the petition by filing the same with the appropriate filing officer
5 prior to such terminal date. Any signer of a filed petition may
6 withdraw his or her signature by a written request for withdrawal filed
7 with the receiving officer prior to such terminal date. Such written
8 request shall so sufficiently describe the petition as to make
9 identification of the person and the petition certain. The name of any
10 person seeking to withdraw shall be signed exactly the same as
11 contained on the petition and, after the filing of such request for
12 withdrawal, prior to the terminal date, the signature of any person
13 seeking such withdrawal shall be deemed withdrawn.

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

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

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

23 (8) Signatures followed by a date of signing which is more than six
24 months prior to the date of filing of the petition shall be stricken.

25 (9) When petitions are required to be signed by the owners of
26 property, the determination shall be made by the county assessor.
27 Where validation of signatures to the petition is required, the
28 following shall apply:

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

32 (b) In the case of mortgaged property, the signature of the
33 mortgagor shall be sufficient, without the signature of his or her
34 spouse;

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

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

6 (e) When the petition seeks annexation, any officer of a
7 corporation owning land within the area involved, who is duly
8 authorized to execute deeds or encumbrances on behalf of the
9 corporation, may sign under oath on behalf of such corporation;

10 (f) When property stands in the name of a deceased person or any
11 person for whom a guardian has been appointed, the signature of the
12 executor, administrator, or guardian, as the case may be, shall be
13 equivalent to the signature of the owner of the property; and

14 ((+f)) (g) When a parcel of property is owned by multiple owners,
15 the signature of an owner designated by the multiple owners is
16 sufficient.

17 (10) The officer or officers responsible for determining the
18 sufficiency of the petition shall do so in writing and transmit the
19 written certificate to the officer with whom the petition was
20 originally filed.

21 **Sec. 2.** RCW 35A.01.040 and 2003 c 331 s 9 are each amended to read
22 as follows:

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

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

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

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

1 (c) If the petition seeks the annexation, incorporation,
2 withdrawal, or reduction of an area for any purpose, an accurate legal
3 description of the area proposed for such action and if practical, a
4 map of the area;

5 (d) Numbered lines for signatures with space provided beside each
6 signature for the name and address of the signer and the date of
7 signing;

8 (e) The warning statement prescribed in subsection (2) of this
9 section.

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

14 WARNING

15 Every person who signs this petition with any other than his or
16 her true name, or who knowingly signs more than one of these
17 petitions, or signs a petition seeking an election when he or
18 she is not a legal voter, or signs a petition when he or she is
19 otherwise not qualified to sign, or who makes herein any false
20 statement, shall be guilty of a misdemeanor.

21 Each signature shall be executed in ink or indelible pencil and
22 shall be followed by the name and address of the signer and the date of
23 signing.

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

26 (4) To be sufficient a petition must contain valid signatures of
27 qualified registered voters or property owners, as the case may be, in
28 the number required by the applicable statute or ordinance. Within
29 three working days after the filing of a petition, the officer with
30 whom the petition is filed shall transmit the petition to the county
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32 assessor for petitions signed by property owners for determination of
33 sufficiency. The officer or officers whose duty it is to determine the
34 sufficiency of the petition shall proceed to make such a determination
35 with reasonable promptness and shall file with the officer receiving
36 the petition for filing a certificate stating the date upon which such
37 determination was begun, which date shall be referred to as the

1 terminal date. Additional pages of one or more signatures may be added
2 to the petition by filing the same with the appropriate filing officer
3 prior to such terminal date. Any signer of a filed petition may
4 withdraw his or her signature by a written request for withdrawal filed
5 with the receiving officer prior to such terminal date. Such written
6 request shall so sufficiently describe the petition as to make
7 identification of the person and the petition certain. The name of any
8 person seeking to withdraw shall be signed exactly the same as
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11 seeking such withdrawal shall be deemed withdrawn.

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

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

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

21 (8) Signatures followed by a date of signing which is more than six
22 months prior to the date of filing of the petition shall be stricken.

23 (9) When petitions are required to be signed by the owners of
24 property, the determination shall be made by the county assessor.
25 Where validation of signatures to the petition is required, the
26 following shall apply:

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28 of the county auditor, shall be sufficient without the signature of his
29 or her spouse;

30 (b) In the case of mortgaged property, the signature of the
31 mortgagor shall be sufficient, without the signature of his or her
32 spouse;

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

36 (d) Any officer of a corporation owning land within the area
37 involved who is duly authorized to execute deeds or encumbrances on

1 behalf of the corporation, may sign on behalf of such corporation, and
2 shall attach to the petition a certified excerpt from the bylaws of
3 such corporation showing such authority;

4 (e) When the petition seeks annexation, any officer of a
5 corporation owning land within the area involved, who is duly
6 authorized to execute deeds or encumbrances on behalf of the
7 corporation, may sign under oath on behalf of such corporation;

8 (f) When property stands in the name of a deceased person or any
9 person for whom a guardian has been appointed, the signature of the
10 executor, administrator, or guardian, as the case may be, shall be
11 equivalent to the signature of the owner of the property; and

12 ~~((f))~~ (g) When a parcel of property is owned by multiple owners,
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