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SENATE BILL 6240

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State of Washington

60th Legislature

2008 Regular Session

By Senator Fairley

Read first time 01/14/08. Referred to Committee on Government Operations & Elections.

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) When the petition seeks annexation, any officer of a  
2 corporation owning land within the area involved, who is duly  
3 authorized to execute deeds or encumbrances on behalf of the  
4 corporation, may sign under oath on behalf of such corporation(~~(, and~~  
5 ~~shall attach to the petition a certified excerpt from the bylaws of~~  
6 ~~such corporation showing such authority)~~);

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

11 (f) When a parcel of property is owned by multiple owners, the  
12 signature of an owner designated by the multiple owners is sufficient.

13 (10) The officer or officers responsible for determining the  
14 sufficiency of the petition shall do so in writing and transmit the  
15 written certificate to the officer with whom the petition was  
16 originally filed.

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

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

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

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

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

34 (c) If the petition seeks the annexation, incorporation,  
35 withdrawal, or reduction of an area for any purpose, an accurate legal  
36 description of the area proposed for such action and if practical, a  
37 map of the area;

1 (d) Numbered lines for signatures with space provided beside each  
2 signature for the name and address of the signer and the date of  
3 signing;

4 (e) The warning statement prescribed in subsection (2) of this  
5 section.

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

10 WARNING

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

17 Each signature shall be executed in ink or indelible pencil and  
18 shall be followed by the name and address of the signer and the date of  
19 signing.

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

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23 qualified registered voters or property owners, as the case may be, in  
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27 auditor for petitions signed by registered voters, or to the county  
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29 sufficiency. The officer or officers whose duty it is to determine the  
30 sufficiency of the petition shall proceed to make such a determination  
31 with reasonable promptness and shall file with the officer receiving  
32 the petition for filing a certificate stating the date upon which such  
33 determination was begun, which date shall be referred to as the  
34 terminal date. Additional pages of one or more signatures may be added  
35 to the petition by filing the same with the appropriate filing officer  
36 prior to such terminal date. Any signer of a filed petition may  
37 withdraw his or her signature by a written request for withdrawal filed

1 with the receiving officer prior to such terminal date. Such written  
2 request shall so sufficiently describe the petition as to make  
3 identification of the person and the petition certain. The name of any  
4 person seeking to withdraw shall be signed exactly the same as  
5 contained on the petition and, after the filing of such request for  
6 withdrawal, prior to the terminal date, the signature of any person  
7 seeking such withdrawal shall be deemed withdrawn.

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

10 (6) A variation on petitions between the signatures on the petition  
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12 substitution of initials instead of the first or middle names, or both,  
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26 (b) In the case of mortgaged property, the signature of the  
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29 (c) In the case of property purchased on contract, the signature of  
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32 (d) When the petition seeks annexation, any officer of a  
33 corporation owning land within the area involved, who is duly  
34 authorized to execute deeds or encumbrances on behalf of the  
35 corporation, may sign under oath on behalf of such corporation(~~(, and~~  
36 ~~shall attach to the petition a certified excerpt from the bylaws of~~  
37 ~~such corporation showing such authority)) ;~~

1           (e) When property stands in the name of a deceased person or any  
2 person for whom a guardian has been appointed, the signature of the  
3 executor, administrator, or guardian, as the case may be, shall be  
4 equivalent to the signature of the owner of the property; and

5           (f) When a parcel of property is owned by multiple owners, the  
6 signature of an owner designated by the multiple owners is sufficient.

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10 originally filed.

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