
HOUSE BILL 1847

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Pike, Harris, Buys, Orcutt, Pollet, and Vick

Read first time 02/12/13. Referred to Committee on Local Government.

1 AN ACT Relating to the sufficiency of signatures for petitions in
2 cities, towns, and code cities; and amending RCW 35.21.005 and
3 35A.01.040.

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

5 **Sec. 1.** RCW 35.21.005 and 2008 c 196 s 1 are each amended to read
6 as follows:

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

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

16 (a) The text or prayer of the petition which shall be a concise
17 statement of the action or relief sought by petitioners and shall
18 include a reference to the applicable state statute or city ordinance,
19 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

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14 seeking such withdrawal shall be deemed withdrawn.

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

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

22 (7) Signatures, including the original, of any person who has
23 signed a petition two or more times shall be stricken if the petition
24 was filed prior to January 1, 2011. Duplicate signatures of the same
25 person, if otherwise valid, shall be counted once if the petition was
26 filed on or after January 1, 2011.

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

29 (9) When petitions are required to be signed by the owners of
30 property, the determination shall be made by the county assessor.
31 Where validation of signatures to the petition is required, the
32 following shall apply:

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

36 (b) In the case of mortgaged property, the signature of the
37 mortgagor shall be sufficient, without the signature of his or her
38 spouse;

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

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

9 (e) When the petition seeks annexation, any officer of a
10 corporation owning land within the area involved, who is duly
11 authorized to execute deeds or encumbrances on behalf of the
12 corporation, may sign under oath on behalf of such corporation. If an
13 officer signs the petition, he or she must attach an affidavit stating
14 that he or she is duly authorized to sign the petition on behalf of
15 such corporation;

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

20 (g) When a parcel of property is owned by multiple owners, the
21 signature of an owner designated by the multiple owners is sufficient.

22 (10) The officer or officers responsible for determining the
23 sufficiency of the petition shall do so in writing and transmit the
24 written certificate to the officer with whom the petition was
25 originally filed.

26 **Sec. 2.** RCW 35A.01.040 and 2008 c 196 s 2 are each amended to read
27 as follows:

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

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

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

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

7 (c) If the petition seeks the annexation, incorporation,
8 withdrawal, or reduction of an area for any purpose, an accurate legal
9 description of the area proposed for such action and if practical, a
10 map of the area;

11 (d) Numbered lines for signatures with space provided beside each
12 signature for the name and address of the signer and the date of
13 signing;

14 (e) The warning statement prescribed in subsection (2) of this
15 section.

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

20 WARNING

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

27 Each signature shall be executed in ink or indelible pencil and
28 shall be followed by the name and address of the signer and the date of
29 signing.

30 (3) The term "signer" means any person who signs his or her own
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32 (4) To be sufficient a petition must contain valid signatures of
33 qualified registered voters or property owners, as the case may be, in
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37 auditor for petitions signed by registered voters, or to the county

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

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

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

25 (7) (~~Signatures, including the original, of any person who has~~
26 ~~signed a petition two or more times shall be stricken.)) Duplicate
27 signatures of the same person, if otherwise valid, shall be counted
28 once.~~

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

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33 Where validation of signatures to the petition is required, the
34 following shall apply:

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36 of the county auditor, shall be sufficient without the signature of his
37 or her spouse;

1 (b) In the case of mortgaged property, the signature of the
2 mortgagor shall be sufficient, without the signature of his or her
3 spouse;

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

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

12 (e) When the petition seeks annexation, any officer of a
13 corporation owning land within the area involved, who is duly
14 authorized to execute deeds or encumbrances on behalf of the
15 corporation, may sign under oath on behalf of such corporation. If an
16 officer signs the petition, he or she must attach an affidavit stating
17 that he or she is duly authorized to sign the petition on behalf of
18 such corporation;

19 (f) When property stands in the name of a deceased person or any
20 person for whom a guardian has been appointed, the signature of the
21 executor, administrator, or guardian, as the case may be, shall be
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23 (g) When a parcel of property is owned by multiple owners, the
24 signature of an owner designated by the multiple owners is sufficient.

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