

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION  
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by May 28, 2008. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Office of the Attorney General, Solicitor General Division, Attention James Pharris, Deputy Solicitor General, P.O. Box 40100, Olympia, Washington 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered. If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the Attorney General's website at [www.atg.wa.gov/AGOOpinions/default.aspx](http://www.atg.wa.gov/AGOOpinions/default.aspx) for more information on how to join our Opinions ListServ.

The Attorney General's Office seeks public input on the following opinion request(s):

**Opinion Docket No. 08-04-05**

**Request by Honorable Andrew Miller, Benton County Prosecutor**

1. **RCW 36.12.010, .020, and case law thereunder, appear to indicate that it is the responsibility of the Board of County Commissioners to determine if the petitions contain the requisite number of valid signatures. Can that Board request that the County Auditor, who ordinarily makes this type of determination under other circumstances and who is trained and equipped to do so, make this determination on behalf of the Board?**
2. **Is the person submitting the petitions entitled to observe the canvassing of the signatures?**
3. **Is there any limit to how old a signature reflected on a petition may be and still be valid?**
4. **After petitions have been submitted under RCW 36.12.010, can signatures be withdrawn or additional petitions/signatures be submitted prior to the completion of the canvassing of the signatures?**
5. **If petitions are submitted immediately prior to a general election (e.g., prior to the November 2008 general election) and the signatures cannot be canvassed prior to such general election, is it the number of votes cast in the last general election before the petitions are filed (e.g. the November 2006 general election) or the last general election before the signatures are canvassed (e.g., the November 2008 general election) that should be used to determine the number of signatures required under RCW 36.12.020?**
6. **If it is determined that an insufficient number of valid signatures have been submitted, must the county retain the original petitions or return them to the person that submitted them?**
7. **If it is determined that a sufficient number of valid signatures have been submitted and an election is held, does RCW 36.12.050 require that the Board of County Commissioners canvass the election or can it request that the Canvassing Board, comprised of the persons set forth under RCW 29A.60.140, canvass the election? For reference, you may want to refer to State v. Whitney, 12 Wash. 420, 41 P. 189 (1895).**

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258	
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