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**ENGROSSED HOUSE BILL 2478**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Representatives Green, Nixon, Haigh and Hunt; by request of Secretary of State

Prefiled 1/6/2006. Read first time 01/09/2006. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to ballot measures; amending RCW 29A.32.040,  
2 29A.56.160, 29A.72.170, and 29A.72.180; adding a new section to chapter  
3 29A.84 RCW; repealing RCW 29A.32.050; and prescribing penalties.

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

5 **Sec. 1.** RCW 29A.32.040 and 2003 c 111 s 804 are each amended to  
6 read as follows:

7 (1) Explanatory statements prepared by the attorney general under  
8 RCW 29A.32.070 (3) and (4) must be written in clear and concise  
9 language, avoiding legal and technical terms when possible, and filed  
10 with the secretary of state.

11 (2) When the explanatory statement (~~(for a measure initiated by~~  
12 ~~petition))~~) is filed with the secretary of state, the secretary of state  
13 shall immediately provide the text of the explanatory statement to the  
14 person proposing the measure and any others who have made written  
15 request for notification of the exact language of the explanatory  
16 statement. In addition, when the explanatory statement for a measure  
17 referred to the ballot by the legislature is filed with the secretary  
18 of state, the secretary of state shall immediately provide the text of  
19 the explanatory statement to the presiding officer of the senate and

1 the presiding officer of the house of representatives (~~and any others~~  
2 ~~who have made written request for notification of the exact language of~~  
3 ~~the explanatory statement~~)).

4 (3) A person dissatisfied with the explanatory statement may appeal  
5 to the superior court of Thurston County within five days of the filing  
6 date. Saturdays, Sundays, and legal holidays are not counted in  
7 calculating the time limits in this section. A copy of the petition  
8 and a notice of the appeal must be served on the secretary of state and  
9 the attorney general. The court shall examine the measure, the  
10 explanatory statement, and objections, and may hear arguments. The  
11 court shall render its decision and certify to and file with the  
12 secretary of state an explanatory statement it determines will meet the  
13 requirements of this chapter.

14 The decision of the superior court is final, and its explanatory  
15 statement is the established explanatory statement. The appeal must be  
16 heard without costs to either party.

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

19 Recall petitions must be printed on single sheets of paper of good  
20 writing quality (including but not limited to newsprint) not less than  
21 eleven inches in width and not less than fourteen inches in length. No  
22 petition may be circulated or signed prior to the first day of the one  
23 hundred eighty or two hundred seventy day period established by RCW  
24 29A.56.150 for that recall petition. The petitions must be  
25 substantially in the following form:

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

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

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

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

8 The following declaration must be printed on the reverse side of  
9 the petition:

10  
11 I, . . . . ., swear or affirm under penalty of law  
12 that I circulated this sheet of the foregoing petition, and that, to  
13 the best of my knowledge, every person who signed this sheet of the  
14 foregoing petition knowingly and without any compensation or promise of  
15 compensation willingly signed his or her true name and that the  
16 information provided therewith is true and correct. I further  
17 acknowledge that under RCW 29A.84.240, forgery of signatures on this  
18 petition constitutes a class B felony, and that offering any  
19 consideration or gratuity to any person to induce him or her to sign a  
20 petition is a gross misdemeanor, such violations being punishable by  
21 fine or imprisonment or both.

22 RCW 9A.46.020 applies to any conduct constituting harassment  
23 against a petition signature gatherer. This penalty does not preclude  
24 the victim from seeking any other remedy otherwise available under law.

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

28 **Sec. 3.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to  
29 read as follows:

30 The secretary of state (~~may~~) must refuse to file any initiative  
31 or referendum petition being submitted upon any of the following  
32 grounds:

33 (1) That the petition (~~does not contain the information~~) is not  
34 in the form required by RCW 29A.72.110, 29A.72.120, (~~or~~) 29A.72.130,  
35 or 29A.72.140.

36 (2) That the petition clearly bears insufficient signatures.

37 (3) That the time within which the petition may be filed has  
38 expired.

1 In case of such refusal, the secretary of state shall endorse on  
2 the petition the word "submitted" and the date, and retain the petition  
3 pending appeal.

4 If none of the grounds for refusal exists, the secretary of state  
5 must accept and file the petition.

6 **Sec. 4.** RCW 29A.72.180 and 2003 c 111 s 1819 are each amended to  
7 read as follows:

8 If the secretary of state refuses to file an initiative or  
9 referendum petition when submitted for filing, the persons submitting  
10 it for filing may, within (~~ten~~) five days after the refusal, apply to  
11 the superior court of Thurston county for an order requiring the  
12 secretary of state to bring the petitions before the court, and for a  
13 writ of mandate to compel the secretary of state to file it. The  
14 application takes precedence over other cases and matters and must be  
15 speedily heard and determined.

16 If the court issues the citation, and determines that the petition  
17 is legal in form and apparently contains the requisite number of  
18 signatures and was submitted for filing within the time prescribed in  
19 the Constitution, it shall issue its mandate requiring the secretary of  
20 state to file it as of the date of submission for filing.

21 The decision of the superior court granting a writ of mandate is  
22 final.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.84 RCW  
24 to read as follows:

25 A person who knowingly circulates a ballot measure petition that  
26 supports a measure that differs from the actual measure attached to the  
27 petition is guilty of a gross misdemeanor.

28 NEW SECTION. **Sec. 6.** RCW 29A.32.050 (Notice of constitutional  
29 amendments and state measures--Explanatory statement) and 2003 c 111 s  
30 805, 1967 c 96 s 3, & 1965 c 9 s 29.27.076 are each repealed.

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