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HOUSE BILL 2140

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State of Washington

54th Legislature

1996 Regular Session

By Representatives L. Thomas, Chopp and Murray

Read first time 01/08/96. Referred to Committee on Government Operations.

1 AN ACT Relating to elections in cities and towns; amending RCW  
2 35.13.090, 35.13.100, 35.16.050, 35.17.260, 35.17.270, 35A.01.040, and  
3 35A.29.170; adding a new section to chapter 35.21 RCW; and repealing  
4 RCW 35.16.020.

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

6 **Sec. 1.** RCW 35.13.090 and 1973 1st ex.s. c 164 s 8 are each  
7 amended to read as follows:

8 ~~((On the Monday next succeeding the annexation election, the county  
9 canvassing board shall proceed to canvass the returns thereof and shall  
10 submit the statement of canvass to the board of county commissioners.))~~

11 (1) The proposition for or against annexation or for or against  
12 annexation and adoption of the comprehensive plan, or for or against  
13 creation of a community municipal corporation, or any combination  
14 thereof, as the case may be, shall be deemed approved if a majority of  
15 the votes cast on that proposition are cast in favor of annexation or  
16 in favor of annexation and adoption of the comprehensive plan, or for  
17 creation of the community municipal corporation, or any combination  
18 thereof, as the case may be.

1       (2) If a proposition for or against assumption of all or any  
2 portion of indebtedness was submitted to the electorate, it shall be  
3 deemed approved if a majority of at least three-fifths of the electors  
4 of the territory proposed to be annexed voting on such proposition vote  
5 in favor thereof, and the number of persons voting on such proposition  
6 constitutes not less than forty percent of the total number of votes  
7 cast in such territory at the last preceding general election.

8       (3) If either or both propositions were approved by the electors,  
9 the ~~((board shall enter a finding to that effect on its minutes, a  
10 certified copy of which))~~ county auditor shall ~~((be forthwith  
11 transmitted to and filed with))~~ on completion of the canvassing of the  
12 returns transmit to the county legislative authority and to the clerk  
13 of the city or town to which annexation is proposed a certificate of  
14 the election results, together with a certified abstract of the vote  
15 showing the whole number who voted at the election, the number of votes  
16 cast for annexation and the number cast against annexation or for  
17 annexation and adoption of the comprehensive plan and the number cast  
18 against annexation and adoption of the comprehensive plan or for  
19 creation of a community municipal corporation and the number cast  
20 against creation of a community municipal corporation, or any  
21 combination thereof, as the case may be~~((, and))~~.

22       (4) If a proposition for assumption of all or of any portion of  
23 indebtedness was submitted to the electorate, the abstract shall  
24 include the number of votes cast for assumption of indebtedness and the  
25 number of votes cast against assumption of indebtedness, together with  
26 a statement of the total number of votes cast in such territory at the  
27 last preceding general election.

28       (5) If the proposition for creation of a community municipal  
29 corporation was submitted and approved, the abstract shall include the  
30 number of votes cast for the candidates for community council positions  
31 and certificates of election shall be issued pursuant to RCW 29.27.100  
32 to the successful candidates who shall assume office ~~((within ten days  
33 after the election))~~ as soon as qualified.

34       **Sec. 2.** RCW 35.13.100 and 1973 1st ex.s. c 164 s 9 are each  
35 amended to read as follows:

36       ~~((Upon filing of the certified copy of the finding of the board of  
37 county commissioners, the clerk shall transmit it to the legislative  
38 body of the city or town at the next regular meeting or as soon~~

1 ~~thereafter as practicable.))~~ If a proposition relating to annexation  
2 or annexation and adoption of the comprehensive plan or creation of a  
3 community municipal corporation, or both, as the case may be was  
4 submitted to the voters and such proposition was approved, the  
5 legislative body shall adopt an ordinance providing for the annexation  
6 or adopt ordinances providing for the annexation and adoption of the  
7 comprehensive plan, or adopt an ordinance providing for the annexation  
8 and creation of a community municipal corporation, as the case may be.  
9 If a proposition for annexation or annexation and adoption of the  
10 comprehensive plan or creation of a community municipal corporation, as  
11 the case may be, and a proposition for assumption of all or of any  
12 portion of indebtedness were both submitted, and were approved, the  
13 legislative body shall adopt an ordinance providing for the annexation  
14 or annexation and adoption of the comprehensive plan or annexation and  
15 creation of a community municipal corporation including the assumption  
16 of all or of any portion of indebtedness. If the propositions were  
17 submitted and only the annexation or annexation and adoption of the  
18 comprehensive plan or annexation and creation of a community municipal  
19 corporation proposition was approved, the legislative body may, if it  
20 deems it wise or expedient, adopt an ordinance providing for the  
21 annexation or adopt ordinances providing for the annexation and  
22 adoption of the comprehensive plan, or adopt ordinances providing for  
23 the annexation and creation of a community municipal corporation, as  
24 the case may be.

25       **Sec. 3.** RCW 35.16.050 and 1994 c 273 s 5 are each amended to read  
26 as follows:

27       A certified copy of the ordinance defining the reduced city or town  
28 limits together with a map showing the corporate limits as altered  
29 shall be filed in accordance with RCW 29.15.026 and recorded in the  
30 office of the county auditor of the county in which the city or town is  
31 situated, upon the effective date of the ordinance. The new boundaries  
32 of the city or town shall take effect immediately after they are filed  
33 and recorded with the county auditor.

34       **Sec. 4.** RCW 35.17.260 and 1965 c 7 s 35.17.260 are each amended to  
35 read as follows:

36       Ordinances may be initiated by petition of electors of the city  
37 filed with the commission. If the petition accompanying the proposed

1 ordinance is signed by the registered voters in the city equal in  
2 number to twenty-five percent of the votes cast for all candidates for  
3 mayor at the last preceding city election, and if it contains a request  
4 that, unless passed by the commission, the ordinance be submitted to a  
5 vote of the people, the commission shall either:

6 (1) Pass the proposed ordinance without alteration within twenty  
7 days after the ~~((city clerk's))~~ county auditor's certificate ~~((that the  
8 number of signatures on the petition are sufficient))~~ of sufficiency  
9 has been received by the commission; or

10 (2) Immediately after the ~~((clerk's))~~ county auditor's certificate  
11 of sufficiency ~~((is attached to))~~ for the petition is received, cause  
12 to be called a special election to be held ~~((not less than thirty nor  
13 more than sixty))~~ on the next election date, as provided in RCW  
14 29.13.020, that occurs not less than forty-five days thereafter, for  
15 submission of the proposed ordinance without alteration, to a vote of  
16 the people unless a general election will occur within ninety days, in  
17 which event submission must be made ~~((thereat))~~ on the general election  
18 ballot.

19 **Sec. 5.** RCW 35.17.270 and 1965 c 7 s 35.17.270 are each amended to  
20 read as follows:

21 ~~((Every signer to a petition submitting a proposed ordinance to the  
22 commission shall add to his signature his place of residence giving  
23 street and number. The signatures need not all be appended to one  
24 paper, but one of the signers on each paper must attach thereto an  
25 affidavit stating the number of signatures thereon, that each signature  
26 thereon is a genuine signature of the person whose name it purports to  
27 be and that the statements therein made are true as he believes.))~~ The  
28 petitioner preparing an initiative petition for submission to the  
29 commission shall follow the procedures established in section 6 of this  
30 act.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21 RCW  
32 to read as follows:

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

35 (1) A petition may include any page or group of pages containing an  
36 identical text or prayer intended by the circulators, signers or  
37 sponsors to be presented and considered as one petition and containing

1 the following essential elements when applicable, except that the  
2 elements referred to in (d) and (e) of this subsection are essential  
3 for petitions referring or initiating legislative matters to the  
4 voters, but are directory as to other petitions:

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

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

11 (c) If the petition seeks the annexation, incorporation,  
12 withdrawal, or reduction of an area for any purpose, an accurate legal  
13 description of the area proposed for such action and if practical, a  
14 map of the area;

15 (d) Numbered lines for signatures with space provided beside each  
16 signature for the name and address of the signer and the date of  
17 signing;

18 (e) The warning statement prescribed in subsection (2) of this  
19 section.

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

24 WARNING

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

31 Each signature shall be executed in ink or indelible pencil and  
32 shall be followed by the name and address of the signer and the date of  
33 signing.

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

36 (4) To be sufficient a petition must contain valid signatures of  
37 qualified registered voters or property owners, as the case may be, in  
38 the number required by the applicable statute or ordinance. Within

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

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

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

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

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

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

36 (a) The signature of a record owner, as determined by the records  
37 of the county auditor, shall be sufficient without the signature of his  
38 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 property stands in the name of a deceased person or any  
13 person for whom a guardian has been appointed, the signature of the  
14 executor, administrator, or guardian, as the case may be, shall be  
15 equivalent to the signature of the owner of the property.

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

19 **Sec. 7.** RCW 35A.01.040 and 1985 c 281 s 26 are each amended to  
20 read as follows:

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

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

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

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

37 (c) If the petition seeks the annexation, incorporation,  
38 withdrawal, or reduction of an area for any purpose, an accurate legal

1 description of the area proposed for such action and if practical, a  
2 map of the area;

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

6 (e) The warning statement prescribed in subsection (2) of this  
7 section.

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

12 WARNING

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

19 Each signature shall be executed in ink or indelible pencil and  
20 shall be followed by the name and address of the signer and the date of  
21 signing (~~and the address of the signer~~).

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

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

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

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

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

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

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

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

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

27 (b) In the case of mortgaged property, the signature of the  
28 mortgagor shall be sufficient, without the signature of his or her  
29 spouse;

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

33 (d) Any officer of a corporation owning land within the area  
34 involved who is duly authorized to execute deeds or encumbrances on  
35 behalf of the corporation, may sign 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;

38 (e) When property stands in the name of a deceased person or any  
39 person for whom a guardian has been appointed, the signature of the

1 executor, administrator, or guardian, as the case may be, shall be  
2 equivalent to the signature of the owner of the property.

3 (10) The officer who is responsible for determining the sufficiency  
4 of the petition shall do so in writing and transmit the written  
5 certificate to the officer with whom the petition was originally filed.

6 **Sec. 8.** RCW 35A.29.170 and 1967 ex.s. c 119 s 35A.29.170 are each  
7 amended to read as follows:

8 Initiative and referendum petitions authorized to be filed under  
9 provisions of this title, or authorized by charter, or authorized for  
10 code cities having the commission form of government as provided by  
11 chapter 35.17 RCW, shall be in substantial compliance with the  
12 provisions of RCW 35A.01.040 as to form and content of the petition,  
13 insofar as such provisions are applicable; shall contain a true copy of  
14 a resolution or ordinance sought to be referred to the voters; and must  
15 contain valid signatures of qualified electors of the code city in the  
16 number required by the applicable provision of this title. Except when  
17 otherwise provided by statute, referendum petitions must be filed with  
18 the clerk of the legislative body of the code city within ninety days  
19 after the passage of the resolution or ordinance sought to be referred  
20 to the voters, or within such lesser number of days as may be  
21 authorized by statute or charter in order to precede the effective date  
22 of an ordinance: PROVIDED, That nothing herein shall be construed to  
23 abrogate or affect an exemption from initiative and/or referendum  
24 provided by a code city charter. The clerk shall transmit the petition  
25 to the county auditor who shall determine the sufficiency of the  
26 petition under the rules set forth in RCW 35A.01.040. When a  
27 referendum petition is filed with the clerk, the legislative action  
28 sought to be referred to the voters shall be suspended from taking  
29 effect. Such suspension shall terminate when: (1) There is a final  
30 determination of insufficiency or untimeliness of the referendum  
31 petition; or (2) the legislative action so referred is approved by the  
32 voters at a referendum election.

33 NEW SECTION. **Sec. 9.** RCW 35.16.020 and 1994 c 273 s 2, 1985 c 469  
34 s 19, & 1965 c 7 s 35.16.020 are each repealed.

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