

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2140

54th Legislature
1996 Regular Session

Passed by the House March 5, 1996
Yea 95 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1996
Yea 48 Nays 0

President of the Senate

Approved

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE HOUSE BILL 2140 as passed
by the House of Representatives and
the Senate on the dates hereon set
forth.

Chief Clerk

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2140

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives L. Thomas, Chopp and Murray)

Read first time 01/25/96.

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)) registered
3 voters, it shall be deemed approved if a majority of at least three-
4 fifths of the ((electors)) registered voters of the territory proposed
5 to be annexed voting on such proposition vote in favor thereof, and the
6 number of ((persons)) registered voters voting on such proposition
7 constitutes not less than forty percent of the total number of votes
8 cast in such territory at the last preceding general election.

9 (3) If either or both propositions were approved by the
10 ((electors)) registered voters, the ((board shall enter a finding to

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

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

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

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

1 ((Upon filing of the certified copy of the finding of the board of
2 county commissioners, the clerk shall transmit it to the legislative
3 body of the city or town at the next regular meeting or as soon
4 thereafter as practicable.)) If a proposition relating to annexation
5 or annexation and adoption of the comprehensive plan or creation of a
6 community municipal corporation, or both, as the case may be was
7 submitted to the voters and such proposition was approved, the
8 legislative body shall adopt an ordinance providing for the annexation
9 or adopt ordinances providing for the annexation and adoption of the
10 comprehensive plan, or adopt an ordinance providing for the annexation
11 and creation of a community municipal corporation, as the case may be.
12 If a proposition for annexation or annexation and adoption of the
13 comprehensive plan or creation of a community municipal corporation, as
14 the case may be, and a proposition for assumption of all or of any
15 portion of indebtedness were both submitted, and were approved, the
16 legislative body shall adopt an ordinance providing for the annexation
17 or annexation and adoption of the comprehensive plan or annexation and
18 creation of a community municipal corporation including the assumption
19 of all or of any portion of indebtedness. If the propositions were
20 submitted and only the annexation or annexation and adoption of the
21 comprehensive plan or annexation and creation of a community municipal
22 corporation proposition was approved, the legislative body may, if it
23 deems it wise or expedient, adopt an ordinance providing for the
24 annexation or adopt ordinances providing for the annexation and
25 adoption of the comprehensive plan, or adopt ordinances providing for
26 the annexation and creation of a community municipal corporation, as
27 the case may be.

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

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

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

3 Ordinances may be initiated by petition of ((electors)) registered
4 voters of the city filed with the commission. If the petition
5 accompanying the proposed ordinance is signed by the registered voters
6 in the city equal in number to twenty-five percent of the votes cast
7 for all candidates for mayor at the last preceding city election, and
8 if it contains a request that, unless passed by the commission, the
9 ordinance be submitted to a vote of the ((people)) registered voters of
10 the city, the commission shall either:

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

15 (2) Immediately after the ((clerk's)) county auditor's certificate
16 of sufficiency ((is attached to)) for the petition is received, cause
17 to be called a special election to be held ((not less than thirty nor
18 more than sixty)) on the next election date, as provided in RCW
19 29.13.020, that occurs not less than forty-five days thereafter, for
20 submission of the proposed ordinance without alteration, to a vote of
21 the people unless a general election will occur within ninety days, in
22 which event submission must be made ((thereat)) on the general election
23 ballot.

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

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

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

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

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

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

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

16 (c) If the petition seeks the annexation, incorporation,
17 withdrawal, or reduction of an area for any purpose, an accurate legal
18 description of the area proposed for such action and if practical, a
19 map of the area;

20 (d) Numbered lines for signatures with space provided beside each
21 signature for the name and address of the signer and the date of
22 signing;

23 (e) The warning statement prescribed in subsection (2) of this
24 section.

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

WARNING

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

36 Each signature shall be executed in ink or indelible pencil and
37 shall be followed by the name and address of the signer and the date of
38 signing.

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

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

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

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

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

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

37 (9) When petitions are required to be signed by the owners of
38 property, the determination shall be made by the county assessor.

1 Where validation of signatures to the petition is required, the
2 following shall apply:

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

6 (b) In the case of mortgaged property, the signature of the
7 mortgagor shall be sufficient, without the signature of his or her
8 spouse;

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

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

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

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

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

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

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

36 (a) The text or prayer of the petition which shall be a concise
37 statement of the action or relief sought by petitioners and shall

1 include a reference to the applicable state statute or city ordinance,
2 if any;

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

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

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

12 (e) The warning statement prescribed in subsection (2) of this
13 section.

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

WARNING

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

25 Each signature shall be executed in ink or indelible pencil and
26 shall be followed by the name and address of the signer and the date of
27 signing ((and the address of the signer)).

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

30 (4) To be sufficient a petition must contain valid signatures of
31 qualified ((electors)) registered voters or property owners, as the
32 case may be, in the number required by the applicable statute or
33 ordinance. Within three working days after the filing of a petition,
34 the officer ((or officers)) with whom the petition is filed shall
35 transmit the petition to the county auditor for petitions signed by
36 registered voters, or to the county assessor for petitions signed by
37 property owners for determination of sufficiency. The officer whose
38 duty it is to determine the sufficiency of the petition shall proceed

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

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

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

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

33 (b) In the case of mortgaged property, the signature of the
34 mortgagor shall be sufficient, without the signature of his or her
35 spouse;

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

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

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

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

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

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

1 the referendum petition; or (2) the legislative action so referred is
2 approved by the voters at a referendum election.

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

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