

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2296

63rd Legislature
2014 Regular Session

Passed by the House March 10, 2014
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 4, 2014
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2296** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2296

AS AMENDED BY THE SENATE

Passed Legislature - 2014 Regular Session

State of Washington **63rd Legislature** **2014 Regular Session**

By Representatives Pike, Harris, Blake, Vick, Taylor, Overstreet,
Farrell, Hunt, and Pollet

Read first time 01/15/14. Referred to Committee on Local Government.

1 AN ACT Relating to duplicate signatures on petitions in cities,
2 towns, and code cities; amending RCW 35.21.005 and 35A.01.040; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that in *Filo*
6 *Foods, LLC v. City of SeaTac*, No. 70758-2-I (Wash. Ct. Apps. Div. I,
7 Feb. 10, 2014), the Washington court of appeals ruled that RCW
8 35A.01.040(7), requiring local certifying officers to strike all
9 signatures of any person signing an optional municipal code city
10 initiative petition two or more times, was unconstitutional. The court
11 held that the statute unduly burdened the first amendment rights of
12 voters who expressed a view on a political matter by signing an
13 initiative petition.

14 (2) The legislature intends to require local officers certifying
15 city and town petitions to count one valid signature of a duplicate
16 signer. This will ensure that a person inadvertently signing a city or
17 town petition more than once will not be penalized for doing so.

1 Each signature shall be executed in ink or indelible pencil and
2 shall be followed by the name and address of the signer and the date of
3 signing.

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

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

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

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

36 (7) ~~((Signatures, including the original, of any person who has~~

1 ~~signed a petition two or more times shall be stricken.))~~ If a person
2 signs a petition more than once, all but the first valid signature must
3 be rejected.

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

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

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

13 (b) In the case of mortgaged property, the signature of the
14 mortgagor shall be sufficient, without the signature of his or her
15 spouse;

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

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

24 (e) When the petition seeks annexation, any officer of a
25 corporation owning land within the area involved, who is duly
26 authorized to execute deeds or encumbrances on behalf of the
27 corporation, may sign under oath on behalf of such corporation. If an
28 officer signs the petition, he or she must attach an affidavit stating
29 that he or she is duly authorized to sign the petition on behalf of
30 such corporation;

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

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

37 (10) The officer or officers responsible for determining the

1 sufficiency of the petition shall do so in writing and transmit the
2 written certificate to the officer with whom the petition was
3 originally filed.

4 **Sec. 3.** RCW 35A.01.040 and 2008 c 196 s 2 are each amended to read
5 as follows:

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

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

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

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

21 (c) If the petition seeks the annexation, incorporation,
22 withdrawal, or reduction of an area for any purpose, an accurate legal
23 description of the area proposed for such action and if practical, a
24 map of the area;

25 (d) Numbered lines for signatures with space provided beside each
26 signature for the name and address of the signer and the date of
27 signing;

28 (e) The warning statement prescribed in subsection (2) of this
29 section.

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

34 **WARNING**

35 Every person who signs this petition with any other than his or
36 her true name, or who knowingly signs more than one of these
37 petitions, or signs a petition seeking an election when he or

1 she is not a legal voter, or signs a petition when he or she is
2 otherwise not qualified to sign, or who makes herein any false
3 statement, shall be guilty of a misdemeanor.

4 Each signature shall be executed in ink or indelible pencil and
5 shall be followed by the name and address of the signer and the date of
6 signing.

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

9 (4) To be sufficient a petition must contain valid signatures of
10 qualified registered voters or property owners, as the case may be, in
11 the number required by the applicable statute or ordinance. Within
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21 terminal date. Additional pages of one or more signatures may be added
22 to the petition by filing the same with the appropriate filing officer
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24 withdraw his or her signature by a written request for withdrawal filed
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26 request shall so sufficiently describe the petition as to make
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36 substitution of initials instead of the first or middle names, or both,
37 shall not invalidate the signature on the petition if the surname and
38 handwriting are the same.

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