

2 SHB 2140 - S COMM AMD  
3 By Committee on Government Operations

4 ADOPTED 3/1/96

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

20 (2) If a proposition for or against assumption of all or any  
21 portion of indebtedness was submitted to the ~~((electorate))~~ registered  
22 voters, it shall be deemed approved if a majority of at least three-  
23 fifths of the ~~((electors))~~ registered voters of the territory proposed  
24 to be annexed voting on such proposition vote in favor thereof, and the  
25 number of ~~((persons))~~ registered voters voting on such proposition  
26 constitutes not less than forty percent of the total number of votes  
27 cast in such territory at the last preceding general election.

28 (3) If either or both propositions were approved by the  
29 ~~((electors))~~ registered voters, the ~~((board shall enter a finding to  
30 that effect on its minutes, a certified copy of which))~~ county auditor  
31 shall ~~((be forthwith transmitted to and filed with))~~ on completion of  
32 the canvassing of the returns transmit to the county legislative  
33 authority and to the clerk of the city or town to which annexation is  
34 proposed a certificate of the election results, together with a  
35 certified abstract of the vote showing the whole number who voted at  
36 the election, the number of votes cast for annexation and the number

1 cast against annexation or for annexation and adoption of the  
2 comprehensive plan and the number cast against annexation and adoption  
3 of the comprehensive plan or for creation of a community municipal  
4 corporation and the number cast against creation of a community  
5 municipal corporation, or any combination thereof, as the case may  
6 be(~~(, and)~~).

7 (4) If a proposition for assumption of all or of any portion of  
8 indebtedness was submitted to the (~~(electorate)~~) registered voters, the  
9 abstract shall include the number of votes cast for assumption of  
10 indebtedness and the number of votes cast against assumption of  
11 indebtedness, together with a statement of the total number of votes  
12 cast in such territory at the last preceding general election.

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

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

21 (~~(Upon filing of the certified copy of the finding of the board of~~  
22 ~~county commissioners, the clerk shall transmit it to the legislative~~  
23 ~~body of the city or town at the next regular meeting or as soon~~  
24 ~~thereafter as practicable.))~~ If a proposition relating to annexation  
25 or annexation and adoption of the comprehensive plan or creation of a  
26 community municipal corporation, or both, as the case may be was  
27 submitted to the voters and such proposition was approved, the  
28 legislative body shall adopt an ordinance providing for the annexation  
29 or adopt ordinances providing for the annexation and adoption of the  
30 comprehensive plan, or adopt an ordinance providing for the annexation  
31 and creation of a community municipal corporation, as the case may be.  
32 If a proposition for annexation or annexation and adoption of the  
33 comprehensive plan or creation of a community municipal corporation, as  
34 the case may be, and a proposition for assumption of all or of any  
35 portion of indebtedness were both submitted, and were approved, the  
36 legislative body shall adopt an ordinance providing for the annexation  
37 or annexation and adoption of the comprehensive plan or annexation and  
38 creation of a community municipal corporation including the assumption

1 of all or of any portion of indebtedness. If the propositions were  
2 submitted and only the annexation or annexation and adoption of the  
3 comprehensive plan or annexation and creation of a community municipal  
4 corporation proposition was approved, the legislative body may, if it  
5 deems it wise or expedient, adopt an ordinance providing for the  
6 annexation or adopt ordinances providing for the annexation and  
7 adoption of the comprehensive plan, or adopt ordinances providing for  
8 the annexation and creation of a community municipal corporation, as  
9 the case may be.

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

12 A certified copy of the ordinance defining the reduced city or town  
13 limits together with a map showing the corporate limits as altered  
14 shall be filed in accordance with RCW 29.15.026 and recorded in the  
15 office of the county auditor of the county in which the city or town is  
16 situated, upon the effective date of the ordinance. The new boundaries  
17 of the city or town shall take effect immediately after they are filed  
18 and recorded with the county auditor.

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

21 Ordinances may be initiated by petition of ~~((electors))~~ registered  
22 voters of the city filed with the commission. If the petition  
23 accompanying the proposed ordinance is signed by the registered voters  
24 in the city equal in number to twenty-five percent of the votes cast  
25 for all candidates for mayor at the last preceding city election, and  
26 if it contains a request that, unless passed by the commission, the  
27 ordinance be submitted to a vote of the ~~((people))~~ registered voters of  
28 the city, the commission shall either:

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

33 (2) Immediately after the ~~((clerk's))~~ county auditor's certificate  
34 of sufficiency ~~((is attached to))~~ for the petition is received, cause  
35 to be called a special election to be held ~~((not less than thirty nor~~  
36 ~~more than sixty))~~ on the next election date, as provided in RCW  
37 29.13.020, that occurs not less than forty-five days thereafter, for

1 submission of the proposed ordinance without alteration, to a vote of  
2 the people unless a general election will occur within ninety days, in  
3 which event submission must be made (~~(thereat)~~) on the general election  
4 ballot.

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

7 (~~Every signer to a petition submitting a proposed ordinance to the~~  
8 ~~commission shall add to his signature his place of residence giving~~  
9 ~~street and number. The signatures need not all be appended to one~~  
10 ~~paper, but one of the signers on each paper must attach thereto an~~  
11 ~~affidavit stating the number of signatures thereon, that each signature~~  
12 ~~thereon is a genuine signature of the person whose name it purports to~~  
13 ~~be and that the statements therein made are true as he believes.)) The  
14 petitioner preparing an initiative petition for submission to the  
15 commission shall follow the procedures established in section 6 of this  
16 act.~~

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

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

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

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

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

34 (c) If the petition seeks the annexation, incorporation,  
35 withdrawal, or reduction of an area for any purpose, an accurate legal  
36 description of the area proposed for such action and if practical, a  
37 map of the area;

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

4 (e) The warning statement prescribed in subsection (2) of this  
5 section.

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

10 WARNING

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

17 Each signature shall be executed in ink or indelible pencil and  
18 shall be followed by the name and address of the signer and the date of  
19 signing.

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

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

1 request shall so sufficiently describe the petition as to make  
2 identification of the person and the petition certain. The name of any  
3 person seeking to withdraw shall be signed exactly the same as  
4 contained on the petition and, after the filing of such request for  
5 withdrawal, prior to the terminal date, the signature of any person  
6 seeking such withdrawal shall be deemed withdrawn.

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

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

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

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

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

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

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

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

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

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

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

4 **Sec. 7.** RCW 35A.01.040 and 1985 c 281 s 26 are each amended to  
5 read 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 (~~subdivisions~~) (d) and (e) (~~hereof~~) of this  
13 subsection are essential for petitions referring or initiating  
14 legislative matters to the voters, but are directory as to other  
15 petitions:

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

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

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

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

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

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

35 WARNING

36 Every person who signs this petition with any other than his or  
37 her true name, or who knowingly signs more than one of these

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

32 Initiative and referendum petitions authorized to be filed under  
33 provisions of this title, or authorized by charter, or authorized for  
34 code cities having the commission form of government as provided by  
35 chapter 35.17 RCW, shall be in substantial compliance with the  
36 provisions of RCW 35A.01.040 as to form and content of the petition,  
37 insofar as such provisions are applicable; shall contain a true copy of  
38 a resolution or ordinance sought to be referred to the voters; and must

1 contain valid signatures of (~~qualified electors~~) registered voters of  
2 the code city in the number required by the applicable provision of  
3 this title. Except when otherwise provided by statute, referendum  
4 petitions must be filed with the clerk of the legislative body of the  
5 code city within ninety days after the passage of the resolution or  
6 ordinance sought to be referred to the voters, or within such lesser  
7 number of days as may be authorized by statute or charter in order to  
8 precede the effective date of an ordinance: PROVIDED, That nothing  
9 herein shall be construed to abrogate or affect an exemption from  
10 initiative and/or referendum provided by a code city charter. The  
11 clerk shall transmit the petition to the county auditor who shall  
12 determine the sufficiency of the petition under the rules set forth in  
13 RCW 35A.01.040. When a referendum petition is filed with the clerk,  
14 the legislative action sought to be referred to the voters shall be  
15 suspended from taking effect. Such suspension shall terminate when:  
16 (1) There is a final determination of insufficiency or untimeliness of  
17 the referendum petition; or (2) the legislative action so referred is  
18 approved by the voters at a referendum election.

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

21 **SHB 2140** - S COMM AMD  
22 By Committee on Government Operations

23 ADOPTED 3/1/96

24 On page 1, line 1 of the title, after "towns;" strike the remainder  
25 of the title and insert "amending RCW 35.13.090, 35.13.100, 35.16.050,  
26 35.17.260, 35.17.270, 35A.01.040, and 35A.29.170; adding a new section  
27 to chapter 35.21 RCW; and repealing RCW 35.16.020."

--- END ---