
HOUSE BILL 2005

State of Washington 60th Legislature 2007 Regular Session

By Representatives Moeller, Wallace, Eddy and Fromhold

Read first time 02/05/2007. Referred to Committee on Local Government.

1 AN ACT Relating to petition method of annexation; amending RCW
2 35A.01.040 and 35.13.130; and repealing RCW 35.13.171, 35.13.172,
3 35.13.173, and 35.13.174.

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

5 **Sec. 1.** RCW 35A.01.040 and 2003 c 331 s 9 are each amended to read
6 as follows:

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

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

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

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

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

10 (e) The warning statement prescribed in subsection (2) of this
11 section.

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

16 WARNING

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

23 Each signature shall be executed in ink or indelible pencil and
24 shall be followed by the name and address of the signer and the date of
25 signing.

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

28 (4) To be sufficient a petition must contain valid signatures of
29 qualified registered voters or property owners, as the case may be, in
30 the number required by the applicable statute or ordinance. Within
31 three working days after the filing of a petition that is not a
32 petition seeking annexation under RCW 35A.14.120, the officer with whom
33 the petition is filed shall transmit the petition to the county auditor
34 for petitions signed by registered voters, or to the county assessor
35 for petitions signed by property owners for determination of
36 sufficiency. Within three working days after the filing of a petition
37 for annexation, the officer with whom the petition is filed shall

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

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

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

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

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

29 (9) When petitions that do not seek annexation are required to be
30 signed by the owners of property, the determination shall be made by
31 the county assessor. When petitions seek annexation, the determination
32 shall be made by the city clerk. Where validation of signatures to the
33 petition is required, the following shall apply:

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

37 (b) In the case of mortgaged property, the signature of the

1 mortgagor shall be sufficient, without the signature of his or her
2 spouse;

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

6 (d) Any officer of a corporation owning land within the area
7 involved (~~(who is duly authorized to execute deeds or encumbrances on~~
8 ~~behalf of the corporation,~~) may sign under oath on behalf of such
9 corporation(~~(, and shall attach to the petition a certified excerpt~~
10 ~~from the bylaws of such corporation showing such authority));~~

11 (e) When property stands in the name of a deceased person or any
12 person for whom a guardian has been appointed, the signature of the
13 executor, administrator, or guardian, as the case may be, shall be
14 equivalent to the signature of the owner of the property; and

15 (f) When a parcel of property is owned by multiple owners, the
16 signature of an owner designated by the multiple owners is sufficient.

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

21 **Sec. 2.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to read
22 as follows:

23 A petition for annexation of an area contiguous to a city or town
24 may be made in writing addressed to and filed with the legislative body
25 of the municipality to which annexation is desired. Except where all
26 the property sought to be annexed is property of a school district, and
27 the school directors thereof file the petition for annexation as in RCW
28 28A.335.110 authorized, the petition must be signed by the owners of
29 not less than (~~(seventy-five))~~ sixty percent in value according to the
30 assessed valuation for general taxation of the property reflective of
31 any taxation exempt status for which annexation is petitioned:
32 PROVIDED, That in cities and towns with populations greater than one
33 hundred sixty thousand located east of the Cascade mountains, the owner
34 of tax exempt property may sign an annexation petition and have the tax
35 exempt property annexed into the city or town, but the value of the tax
36 exempt property shall not be used in calculating the sufficiency of the
37 required property owner signatures unless only tax exempt property is

1 proposed to be annexed into the city or town. The petition shall set
2 forth a description of the property according to government legal
3 subdivisions or legal plats which is in compliance with RCW 35.02.170,
4 and shall be accompanied by a plat which outlines the boundaries of the
5 property sought to be annexed. If the legislative body has required
6 the assumption of all or of any portion of city or town indebtedness by
7 the area annexed, and/or the adoption of a comprehensive plan for the
8 area to be annexed, these facts, together with a quotation of the
9 minute entry of such requirement or requirements shall be set forth in
10 the petition: PROVIDED, That a petition for annexation of an area
11 having at least eighty percent of its boundaries contiguous with a
12 portion of the boundaries of the city, not including that portion of
13 the boundary of the area proposed to be annexed that is coterminous
14 with a portion of the boundary between two counties in this state, must
15 be signed by only the owners of not less than fifty percent in value
16 according to the assessed valuation for general taxation of the
17 property for which the annexation is petitioned. Such petition shall
18 set forth a description of the property according to government legal
19 subdivisions or legal plats and shall be accompanied by a map which
20 outlines the boundaries of the property sought to be annexed. If the
21 legislative body has required the assumption of all or any portion of
22 city indebtedness by the area annexed or the adoption of a proposed
23 zoning regulation, these facts, together with a quotation of the minute
24 entry of such requirement, shall also be set forth in the petition.

25 NEW SECTION. Sec. 3. The following acts or parts of acts are each
26 repealed:

27 (1) RCW 35.13.171 (Review board--Convening--Composition) and 1995
28 c 399 s 35, 1985 c 6 s 2, 1973 1st ex.s. c 164 s 14, & 1965 c 7 s
29 35.13.171;

30 (2) RCW 35.13.172 (When review procedure may be dispensed with) and
31 1981 c 260 s 6;

32 (3) RCW 35.13.173 (Determination by review board--Factors
33 considered--Filing of findings) and 1973 1st ex.s. c 164 s 16 & 1965 c
34 7 s 35.13.173; and

35 (4) RCW 35.13.174 (Date for annexation election if review board's

1 determination favorable) and 1997 c 429 s 38, 1973 1st ex.s. c 164 s
2 17, & 1965 c 7 s 35.13.174.

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