CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2482

Chapter 196, Laws of 2008

60th Legislature
2008 Regular Session

ANNEXATION--PETITIONS--SIGNATURE VALIDATION

EFFECTIVE DATE: 06/12/08

Passed by the House March 10, 2008
Yeas 94 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 7, 2008
Yeas 43 Nays 0

BRAD OWEN
President of the Senate

CERTIFICATE
I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2482 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

Approved March 27, 2008, 4:03 p.m.

FILED
March 28, 2008

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to the signature validation process for petitions that seek annexation; and amending RCW 35.21.005 and 35A.01.040.

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

Sec. 1. RCW 35.21.005 and 2003 c 331 s 8 are each amended to read as follows:

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

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

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;
(b) If the petition initiates or refers an ordinance, a true copy thereof;

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

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

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

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition 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.

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

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

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

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

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

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

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

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

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

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

(c) In the case of property purchased on contract, the signature of
the contract purchaser, as shown by the records of the county auditor,
shall be deemed sufficient, without the signature of his or her spouse;
(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

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

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

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

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

Sec. 2. RCW 35A.01.040 and 2003 c 331 s 9 are each amended to read as follows:

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

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

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sufficiency of the petition shall proceed to make such a determination
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(b) In the case of mortgaged property, the signature of the
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spouse;

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

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

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

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

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

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Passed by the Senate March 7, 2008.
Approved by the Governor March 27, 2008.
Filed in Office of Secretary of State March 28, 2008.