
HOUSE BILL 2296

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.** The legislature finds that the superior
6 court for Cowlitz county declared RCW 35.21.005(7) unconstitutional in
7 the case of *Patella v. Kimsey*. The court considered whether the
8 auditor for purposes of petition sufficiency should count the original
9 signature of a petition signatory who re-signs the petition. The court
10 concluded that the original signature should be counted. The
11 legislature intends that one, valid signature per person will be
12 counted on a petition, even if a person has signed the petition more
13 than once.

14 **Sec. 2.** RCW 35.21.005 and 2008 c 196 s 1 are each amended to read
15 as follows:

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

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

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

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

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

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

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

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

27 WARNING

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

34 Each signature shall be executed in ink or indelible pencil and
35 shall be followed by the name and address of the signer and the date of
36 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 or officers whose duty it is to determine the
11 sufficiency of the petition shall proceed to make such a determination
12 with reasonable promptness and shall file with the officer receiving
13 the 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.))~~ Duplicate
35 signatures of the same person, if otherwise valid, shall be counted
36 once.

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

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

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

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

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

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

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

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

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

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

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

1 Wherever in this title petitions are required to be signed and
2 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:

29 WARNING

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

36 Each signature shall be executed in ink or indelible pencil and

1 shall be followed by the name and address of the signer and the date of
2 signing.

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

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

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

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

35 (~~(7) ((Signatures, including the original, of any person who has~~
36 ~~signed a petition two or more times shall be stricken.))~~ Duplicate
37 signatures of the same person, if otherwise valid, shall be counted
38 once.

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

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

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

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

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

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

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

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

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

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

1 originally filed.

--- END ---