
SUBSTITUTE HOUSE BILL 2140

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives L. Thomas, Chopp and Murray)

Read first time 01/25/96.

1 AN ACT Relating to elections in cities and towns; amending RCW
2 35.13.090, 35.13.100, 35.16.050, 35.17.260, 35.17.270, 35A.01.040, and
3 35A.29.170; adding a new section to chapter 35.21 RCW; and repealing
4 RCW 35.16.020.

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

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

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

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

1 (2) If a proposition for or against assumption of all or any
2 portion of indebtedness was submitted to the ((electorate)) voters, it
3 shall be deemed approved if a majority of at least three-fifths of the
4 ((electors)) registered voters of the territory proposed to be annexed
5 voting on such proposition vote in favor thereof, and the number of
6 ((persons)) voters voting on such proposition constitutes not less than
7 forty percent of the total number of votes cast in such territory at
8 the last preceding general election.

9 (3) If either or both propositions were approved by the
10 ((electors)) voters, the ~~((board shall enter a finding to that effect
11 on its minutes, a certified copy of which))~~ county auditor shall ~~((be
12 forthwith transmitted to and filed with))~~ on completion of the
13 canvassing of the returns transmit to the county legislative authority
14 and to the clerk of the city or town to which annexation is proposed a
15 certificate of the election results, together with a certified abstract
16 of the vote showing the whole number who voted at the election, the
17 number of votes cast for annexation and the number cast against
18 annexation or for annexation and adoption of the comprehensive plan and
19 the number cast against annexation and adoption of the comprehensive
20 plan or for creation of a community municipal corporation and the
21 number cast against creation of a community municipal corporation, or
22 any combination thereof, as the case may be~~((, and))~~.

23 (4) If a proposition for assumption of all or of any portion of
24 indebtedness was submitted to the ((electorate)) voters, the abstract
25 shall include the number of votes cast for assumption of indebtedness
26 and the number of votes cast against assumption of indebtedness,
27 together with a statement of the total number of votes cast in such
28 territory at the last preceding general election.

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

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

37 ~~((Upon filing of the certified copy of the finding of the board of
38 county commissioners, the clerk shall transmit it to the legislative~~

1 ~~body of the city or town at the next regular meeting or as soon~~
2 ~~thereafter as practicable.))~~ If a proposition relating to annexation
3 or annexation and adoption of the comprehensive plan or creation of a
4 community municipal corporation, or both, as the case may be was
5 submitted to the voters and such proposition was approved, the
6 legislative body shall adopt an ordinance providing for the annexation
7 or adopt ordinances providing for the annexation and adoption of the
8 comprehensive plan, or adopt an ordinance providing for the annexation
9 and creation of a community municipal corporation, as the case may be.
10 If a proposition for annexation or annexation and adoption of the
11 comprehensive plan or creation of a community municipal corporation, as
12 the case may be, and a proposition for assumption of all or of any
13 portion of indebtedness were both submitted, and were approved, the
14 legislative body shall adopt an ordinance providing for the annexation
15 or annexation and adoption of the comprehensive plan or annexation and
16 creation of a community municipal corporation including the assumption
17 of all or of any portion of indebtedness. If the propositions were
18 submitted and only the annexation or annexation and adoption of the
19 comprehensive plan or annexation and creation of a community municipal
20 corporation proposition was approved, the legislative body may, if it
21 deems it wise or expedient, adopt an ordinance providing for the
22 annexation or adopt ordinances providing for the annexation and
23 adoption of the comprehensive plan, or adopt ordinances providing for
24 the annexation and creation of a community municipal corporation, as
25 the case may be.

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

28 A certified copy of the ordinance defining the reduced city or town
29 limits together with a map showing the corporate limits as altered
30 shall be filed in accordance with RCW 29.15.026 and recorded in the
31 office of the county auditor of the county in which the city or town is
32 situated, upon the effective date of the ordinance. The new boundaries
33 of the city or town shall take effect immediately after they are filed
34 and recorded with the county auditor.

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

1 Ordinances may be initiated by petition of ~~((electors))~~ registered
2 voters of the city filed with the commission. If the petition
3 accompanying the proposed ordinance is signed by the registered voters
4 in the city equal in number to twenty-five percent of the votes cast
5 for all candidates for mayor at the last preceding city election, and
6 if it contains a request that, unless passed by the commission, the
7 ordinance be submitted to a vote of the ~~((people))~~ city voters, the
8 commission shall either:

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

13 (2) Immediately after the ~~((clerk's))~~ county auditor's certificate
14 of sufficiency ~~((is attached to))~~ for the petition is received, cause
15 to be called a special election to be held ~~((not less than thirty nor~~
16 ~~more than sixty))~~ on the next election date, as provided in RCW
17 29.13.020, that occurs not less than forty-five days thereafter, for
18 submission of the proposed ordinance without alteration, to a vote of
19 the people unless a general election will occur within ninety days, in
20 which event submission must be made ~~((thereat))~~ on the general election
21 ballot.

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

24 ~~((Every signer to a petition submitting a proposed ordinance to the~~
25 ~~commission shall add to his signature his place of residence giving~~
26 ~~street and number. The signatures need not all be appended to one~~
27 ~~paper, but one of the signers on each paper must attach thereto an~~
28 ~~affidavit stating the number of signatures thereon, that each signature~~
29 ~~thereon is a genuine signature of the person whose name it purports to~~
30 ~~be and that the statements therein made are true as he believes.))~~ The
31 petitioner preparing an initiative petition for submission to the
32 commission shall follow the procedures established in section 6 of this
33 act.

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

36 Wherever in this title petitions are required to be signed and
37 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **Sec. 7.** RCW 35A.01.040 and 1985 c 281 s 26 are each amended to
23 read as follows:

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

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

34 (a) The text or prayer of the petition which shall be a concise
35 statement of the action or relief sought by petitioners and shall
36 include a reference to the applicable state statute or city ordinance,
37 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 (~~and the address of the signer~~);

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 (~~and the address of the signer~~).

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 (~~electors~~) registered voters or property owners, as the
30 case may be, in the number required by the applicable statute or
31 ordinance. Within three working days after the filing of a petition,
32 the officer (~~or officers~~) with whom the petition is filed shall
33 transmit the petition to the county auditor for petitions signed by
34 registered voters, or to the county assessor for petitions signed by
35 property owners for determination of sufficiency. The officer whose
36 duty it is to determine the sufficiency of the petition shall proceed
37 to make such a determination with reasonable promptness and shall file
38 with the officer receiving the petition for filing a certificate

1 stating the date upon which such determination was begun, which date
2 shall be referred to as the terminal date. Additional pages of one or
3 more signatures may be added to the petition by filing the same with
4 the appropriate filing officer prior to such terminal date. Any signer
5 of a filed petition may withdraw his or her signature by a written
6 request for withdrawal filed with the receiving officer prior to such
7 terminal date. Such written request shall so sufficiently describe the
8 petition as to make identification of the person and the petition
9 certain. The name of any person seeking to withdraw shall be signed
10 exactly the same as contained on the petition and, after the filing of
11 such request for withdrawal, prior to the terminal date, the signature
12 of any person seeking such withdrawal shall be deemed withdrawn.

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

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

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

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

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

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

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

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

37 (d) Any officer of a corporation owning land within the area
38 involved who is duly authorized to execute deeds or encumbrances on
39 behalf of the corporation, may sign on behalf of such corporation, and

1 shall attach to the petition a certified excerpt from the bylaws of
2 such corporation showing such authority;

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

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

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

12 Initiative and referendum petitions authorized to be filed under
13 provisions of this title, or authorized by charter, or authorized for
14 code cities having the commission form of government as provided by
15 chapter 35.17 RCW, shall be in substantial compliance with the
16 provisions of RCW 35A.01.040 as to form and content of the petition,
17 insofar as such provisions are applicable; shall contain a true copy of
18 a resolution or ordinance sought to be referred to the voters; and must
19 contain valid signatures of (~~qualified electors~~) registered voters of
20 the code city in the number required by the applicable provision of
21 this title. Except when otherwise provided by statute, referendum
22 petitions must be filed with the clerk of the legislative body of the
23 code city within ninety days after the passage of the resolution or
24 ordinance sought to be referred to the voters, or within such lesser
25 number of days as may be authorized by statute or charter in order to
26 precede the effective date of an ordinance: PROVIDED, That nothing
27 herein shall be construed to abrogate or affect an exemption from
28 initiative and/or referendum provided by a code city charter. The
29 clerk shall transmit the petition to the county auditor who shall
30 determine the sufficiency of the petition under the rules set forth in
31 RCW 35A.01.040. When a referendum petition is filed with the clerk,
32 the legislative action sought to be referred to the voters shall be
33 suspended from taking effect. Such suspension shall terminate when:
34 (1) There is a final determination of insufficiency or untimeliness of
35 the referendum petition; or (2) the legislative action so referred is
36 approved by the voters at a referendum election.

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

--- **END** ---