
SENATE BILL 5505

State of Washington 63rd Legislature 2013 Regular Session

By Senators Roach, Chase, Hasegawa, Fain, and Tom

Read first time 01/31/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to ensuring valid voter signatures on petitions
2 count and timely validation of signatures; amending RCW 29A.72.170 and
3 35.21.005; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 require that valid voter signatures on petitions count, ensuring that
7 they are not rejected by the secretary of state or any local government
8 official.

9 Washington supreme court case law vindicates the rights of citizens
10 to have their petition signatures filed and counted. *State ex rel.*
11 *Howell v. Superior Court*, 97 Wash. 569, 574-575 (1917), upheld the
12 rights of petition signers to have their signatures counted. The
13 Washington supreme court held that to deny the rights of petition
14 signers "would do violence to the spirit of the Constitution." Howell,
15 at 575.

16 The Washington supreme court later declared that through its
17 decision in Howell, "this court laid down the rule that the sponsor of
18 such a petition was not the agent of any of the signers to the extent

1 that his offenses would bind the signers or invalidate their
2 signatures." *Edwards v. Hutchinson*, 178 Wash. 580, 587 (1934).

3 In *Sudduth v. Chapman*, 88 Wn.2d 247 (1977), the Washington supreme
4 court held invalid a statutory requirement that where the secretary of
5 state finds the same name signed to more than one petition, that such
6 name shall not even be counted once. It held that "refusing to count
7 a duplicate signer as one petitioner frustrates, rather than furthers
8 this purpose." Specifically, the court relied on its earlier decision
9 in *Hutchinson* for recognition of the rule that "when a legal voter has
10 signed a referendum petition, his signature must be counted, even
11 though the person soliciting his signature has violated the law."

12 Under this act, if the voter's signature on a petition matches the
13 signature on the voter's registration, then that valid voter signature
14 must count. And consistent with Washington supreme court's ruling in
15 *Sudduth*, this act requires that when a voter signs a petition more than
16 once, the original signature counts but any duplicate signature does
17 not.

18 The legislature respects our state Constitution and supports the
19 people's right to initiative and referendum. Voters' right to have
20 their valid signature count and right to participate must be
21 facilitated and protected by their elected representatives and the laws
22 of the state of Washington.

23 **Sec. 2.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to
24 read as follows:

25 The secretary of state may refuse to file any initiative or
26 referendum petition being submitted only upon any of the following
27 grounds:

28 (1) That the petition does not contain the information required by
29 RCW 29A.72.110, 29A.72.120, or 29A.72.130.

30 (2) That the petition clearly bears insufficient signatures.

31 (3) That the time within which the petition may be filed has
32 expired.

33 In case of such refusal, the secretary of state shall endorse on
34 the petition the word "submitted" and the date, and retain the petition
35 pending appeal.

36 If none of the grounds for refusal exists, the secretary of state
37 must accept and file the petition.

1 Concerning individual voter signatures on a petition, the secretary
2 of state must accept and must not reject a valid voter signature if it
3 matches the signature on the voter's registration as long as the
4 requirements in subsections (1) through (3) of this section are
5 fulfilled.

6 **Sec. 3.** RCW 35.21.005 and 2008 c 196 s 1 are each amended to read
7 as follows:

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

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

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

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

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

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

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

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

36 WARNING

37 Every person who signs this petition with any other than his or

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

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

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

11 (4) To be sufficient a petition must contain valid signatures of
12 qualified registered voters or property owners, as the case may be, in
13 the number required by the applicable statute or ordinance. Within
14 three working days after the filing of a petition, the officer with
15 whom the petition is filed shall transmit the petition to the county
16 auditor for petitions signed by registered voters, or to the county
17 assessor for petitions signed by property owners for determination of
18 sufficiency. The officer or officers whose duty it is to determine the
19 sufficiency of the petition shall proceed to make such a determination
20 with reasonable promptness that may not exceed sixty days and shall
21 file with the officer receiving the petition for filing a certificate
22 stating the date upon which such determination was begun, which date
23 shall be referred to as the terminal date. Additional pages of one or
24 more signatures may be added to the petition by filing the same with
25 the appropriate filing officer prior to such terminal date. Any signer
26 of a filed petition may withdraw his or her signature by a written
27 request for withdrawal filed with the receiving officer prior to such
28 terminal date. Such written request shall so sufficiently describe the
29 petition as to make identification of the person and the petition
30 certain. The name of any person seeking to withdraw shall be signed
31 exactly the same as contained on the petition and, after the filing of
32 such request for withdrawal, prior to the terminal date, the signature
33 of any person seeking such withdrawal shall be deemed withdrawn.

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

36 (6) Concerning individual voter signatures on a petition, the
37 officer or officers whose duty it is to determine the validity of

1 signatures must accept and must not reject a valid voter signature if
2 it matches the signature on the voter's registration. A variation on
3 petitions between the signatures on the petition and that on the
4 voter's permanent registration caused by the substitution of initials
5 instead of the first or middle names, or both, shall not invalidate the
6 signature on the petition if the surname and handwriting are the same.

7 (7) Signatures(~~(, including the original,)~~) of any person who has
8 signed a petition two or more times shall have the original signature
9 count and any duplicate signature shall not count and will be stricken.

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

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

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

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

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

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

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

37 (f) When property stands in the name of a deceased person or any

1 person for whom a guardian has been appointed, the signature of the
2 executor, administrator, or guardian, as the case may be, shall be
3 equivalent to the signature of the owner of the property; and

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

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

10 NEW SECTION. **Sec. 4.** This act may be known and cited as the valid
11 voter signature protection act.

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