

AMENDATORY SECTION (Amending WSR 09-03-110, filed 1/21/09, effective 2/21/09)

**WAC 434-379-005 Filing of an initiative or referendum—Fee—Required documents.** A person desiring to file with the secretary of state a proposed initiative to the people, initiative to the legislature, or referendum measure may do so by filing the following documents:

- (1) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;
- (2) An affidavit declaring under penalty of perjury:
  - (a) That the person submitting the proposed measure is over eighteen years of age and competent to testify;
  - (b) That the person submitting the proposed measure is a registered voter in the state of Washington;
  - (c) Whether the proposed measure is an initiative to the people, initiative to the legislature, or referendum; and
  - (d) The subject of the initiative, or the bill number of the legislation being referred; and
- (3) A nonrefundable filing fee of five dollars for each measure submitted.

The proposed measure is not considered filed with the secretary of state until all documents and fees are filed, including any original versions required.

Once the proposed text to an initiative or referendum is filed, the secretary of state shall submit the text with required information to the code reviser within one business day.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

**WAC 434-379-008 Petition requirements.** (1) Petitions must be at least eleven inches wide by fourteen inches long.

- (2) Petitions must include:
  - (a) The initiative or referendum number;
  - (b) The ballot title, which must include:
    - (i) The subject, not more than ten words;
    - (ii) The concise description, not more than thirty words; and
    - (iii) The question.
  - (c) The form and text required by:
    - (i) RCW 29A.72.110 for an initiative to the legislature;
    - (ii) RCW 29A.72.120 for an initiative to the people; or
    - (iii) RCW 29A.72.130 for a referendum measure.
  - (d) The warning in RCW 29A.72.140, printed on the front to cover at least four square inches;
  - (e) Numbered lines, not more than twenty, with space for each person to provide his or her:
    - (i) Original signature;
    - (ii) Printed name; and
    - (iii) Address, city, and ((~~county~~)) zip code where registered to vote.

- (f) A blank space on the bottom left hand corner of the front side, one and one-half inch square;
- (g) The full text of the measure printed on the back;
- (h) The circulator's declaration printed on the back; and
- (i) Petition sheets printed with a one-inch margin on the bottom may be submitted through December 31, 2016.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-379-009 Processing filed petitions.** (1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment to file the signed petitions at least two business days in advance. Pursuant to RCW 29A.72.170, the secretary of state must reject petitions until a sufficient number that meet the minimum signature requirement are filed together. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160. When submitting the petitions, the sponsor must also provide the text of the measure, exactly as it was printed on the circulated petitions, in electronic Microsoft Word format.

(2) Upon receipt of the petitions, the office of the secretary of state shall count the number of petitions received, and provide that total to the sponsor.

(3) A petition may not be rejected merely because it includes stray marks, scribbles, notes, or highlighting as long as the printed text on the petition is not illegible.

(4) A petition may not be rejected merely because the circulator's declaration on the back side of the petition is unsigned, or is signed with a stamp. AGO 2006 No. 13; *Washington Families Standing Together v. Secretary of State Sam Reed*, Thurston County Superior Court No. 09-2-02145-4, September 8, 2009.

(5) Once a petition is submitted to the office of the secretary of state, a person may not withdraw his or her signature from a petition. Letters submitted to the secretary of state requesting the removal of a signature from a petition must be retained by the secretary as part of the public record for the petition.

(6) Each petition must be reviewed for fraud, such as patterns of similar handwriting indicating forged signatures.

(7) Each signature line must be reviewed to invalidate:

(a) Obscenities;

(b) ~~((Lines with an out of state address;~~

~~(e))~~ Text that is not a name;

~~((d))~~ (c) Duplicate names;

~~((e))~~ (d) Lines that are crossed out and not readable;

~~((f))~~ (e) Lines that include a name and address that both appear to be fictitious; or

~~((g))~~ (f) Lines that are blank or unfilled.

(8) The following characteristics of a signature line do not, by themselves, invalidate the signature:

(a) A name that is fictitious with an address that does not appear to be fictitious. Lines that include a name that appears to not be fictitious but an address that does appear to be fictitious, or vice versa;

- (b) Lines that are crossed out but still readable;
  - (c) Lines that are missing a printed name;
  - (d) Lines that are missing any portion of the address;
  - (e) Multiple lines that have similar handwriting, as long as the signature handwriting is not similar;
  - (f) Lines in which the signature, printed name, or address is written in the wrong field; or
  - (g) Signatures, printed names, or addresses written in the margin.
- (9) After each signature line has been reviewed, the remaining signatures must be counted to obtain the total number of signatures submitted. That total must be provided to the sponsor.
- (10) The secretary of state must verify either a random sample of the signatures submitted using the statistical formula authorized by RCW 29A.72.230 and established in WAC 434-379-010, or all of the signatures submitted. If the measure does not qualify for the ballot based on a random sample, the secretary of state must proceed to a full check of all signatures submitted. The secretary of state must follow WAC 434-379-020 to verify signatures.