

the service of such notice and complaint, excepting as herein provided. Rules of practice and procedure not otherwise provided for in this act may be prescribed by the commission.

Passed the Senate March 4, 1913.

Passed the House March 12, 1913.

Approved by the Governor March 21, 1913.

CHAPTER 146.

[S. B. 435]

MAKING EFFECTIVE THE RECALL PROVISIONS OF THE CONSTITUTION.

(For this amendment, see ch. 103, p. 504, L.'11.)

AN ACT to carry out the provisions and to facilitate the operation and effect of sections 33 and 34 of article 1 of the Constitution relating to the recall of elective public officers, to prevent fraud, and providing penalties for violations thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That whenever any legal voter or committee or organization of legal voters of the state or of any political subdivision thereof shall desire to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of sections 33 and 34 of article 1 of the constitution, he or they shall prepare a typewritten charge, reciting that such officer, naming him and giving the title of his office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated his oath of office, or has been guilty of any two or more of the acts specified in the constitution as grounds for recall, which charge shall state the act or acts complained of in concise language, without unnecessary repetition, and shall be signed by the person or persons making the same, give their respective post office addresses, and be verified under oath that he or they believe the charge or charges to be true.

Charges, how formed.

SEC. 2. In case the officer whose recall is to be demanded be a state officer, the person making the charge

shall file the same with the secretary of state. In case the officer whose recall is to be demanded be a county officer, the person or persons making the charge shall file the same with the county auditor. In case the officer whose recall is to be demanded be an officer of an incorporated city or town, the persons making the charge shall file the same with the clerk of said city or town. In case the officer whose recall is to be demanded is an officer of any other political subdivision of the state, the persons making the charge shall file the same with the officer whose duty it is to receive and file petitions for nomination of candidates for the office concerning the incumbent of which the recall is to be demanded.

Filing of charges.

SEC. 3. If the acts complained of in the charge or acts of malfeasance or misfeasance while in office, or a violation of the oath of office, as specified in the constitution, the officer with whom the charge is filed shall formulate a ballot synopsis of such charge of not to exceed two hundred words, which shall set forth the name of the person charged, the title of his office, and a concise statement of the elements of the charge, and shall notify the persons filing the charge of the exact language of such ballot synopsis, and attach a copy thereof to and file the same with the charge, and thereafter such charge shall be designated on all petitions, ballots and other proceedings in relation thereto by such synopsis.

Ballot synopsis of charges.

SEC. 4. Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed on single sheets of white paper of good quality twelve inches in width by fourteen inches in length and with a margin of one and three-fourths inches at the top for binding, blank petitions for the recall and discharge of such officer. Such petitions shall be substantially in the following form:

Form of petition.

WARNING.

Every person who shall sign this petition with any other than his true name, or who shall knowingly sign more than one of these petitions, or who shall sign this petition when he is not

a legal voter, or who shall make herein any false statement, shall be fined, or imprisoned, or both.

Petition for the Recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed.)

We the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's signature	Residence, address, Street and number if any	Precinct name or number	Ward number	City or town	County
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(Here follow 20 numbered lines divided into columns as below).

1.
2.
3.
etc.					

Certificate of registration officer.

I, the undersigned, hereby certify that I am the officer of the city (town or precinct) of....., county of....., State of Washington, having the custody of the registration books containing the signatures, addresses and precincts of the registered legal voters of said city (town or precinct); that I have carefully compared the signatures on the foregoing petitions with said registration books, and the signatures on the petitions opposite which I have written my initials are the signatures of legal voters of the State of Washington, and of the political subdivision from which said officer sought to be recalled was elected.

Dated the.....day of....., 19....

.....
of the city (town or precinct of.....

(Seal) by.....Deputy.

Certificate of precinct officers.

SEC. 5. Blank petitions for circulation in precincts where registration of voters is not required shall bear certificates in lieu of those contained in the foregoing form, which shall be signed by a justice of the peace, road

supervisor, member of a school board or a postmaster, to the effect that he resides in the precinct, (naming it) and is acquainted with the legal voters thereof, and that he believes the signatures opposite which he has written his initials are the signatures of legal voters of such precinct.

SEC. 6. Each such recall petition for circulation and signing shall at the time of signing, certifying and filing with the officer with whom the charge is filed, as hereinafter in this act provided, consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title and form of petition on each sheet, but with the prescribed form of certificate only on the last sheet, and a full, true and correct copy of the charge against such officer referred to therein, printed on sheets of paper of like size and quality as the petition and firmly fastened together.

Size of
petition.

SEC. 7. Every recall petition, before it is filed with the officer with whom the charge is filed as hereinafter provided, shall be filed with the officer having custody of the registration books containing the signatures, addresses, and precincts of the registered voters of the city, town or precinct, as the case may be, where the persons who have signed such petition claim to be legal voters. Upon the filing of any such petition it shall be the duty of such officer to forthwith compare or cause a deputy to compare the signatures, addresses and precinct numbers on such petition with said registration books. The officer or deputy making the comparison shall place his initials in ink opposite the signatures of those persons who are shown by the registration books to be legal voters, and shall certify upon the last signature sheet of such petition that the signatures so initialed are the signatures of legal voters of the State of Washington and of the political subdivision affected by such recall petition, and shall sign such certificate and attach thereto the seal of the registration officer, if such officer have a seal, and return such petition to the person filing the same upon demand. The omission to fill any blank shall not prevent the initialing or

Checked by
registration
officer.

Checker's
mark.

Omissions
not to
vitalize
petition.

Checking in
non-registra-
tion precincts.

certification of any name, if sufficient information is given to enable the officer, by a comparison of the signatures, to identify the voter. Every such petition bearing the signatures of persons residing in precincts where registration of voters is not required, before it is filed with the secretary of state, shall be submitted to and initialed and certified by a justice of the peace, road supervisor, member of a school board or a postmaster residing in such precinct in the form provided in section 2 of this act. It shall be the duty of such justice of the peace, road supervisor or member of a school board to examine, and initial and certify the signatures of legal voters on any such petition upon demand.

Names
necessary to
complete
petition.

SEC. 8. When a person, committee or organization demanding the recall of any public officer shall have secured upon such recall petition the signatures of a number of legal voters equal to twenty-five per cent. of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election, in case such officer be a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county of the first, second or third class; or the signatures of a number of legal voters equal to thirty-five per cent. of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election, if the officer whose recall is demanded is an officer of any other political subdivision, city, town, township, precinct or school district than those hereinbefore mentioned, or is a state senator or representative, he or they may submit said petition to the officer with whom the charge is filed for filing in his office. At the time of submitting such petition the person, committee or organization submitting the same shall file with the officer to whom such petition is submitted a full, true and detailed statement, giving the names and post office addresses of all persons, corporations and organizations who have contributed or aided in the prepara-

Filing
petition.

tion of the charge and in the preparation, circulation and filing of the petition, with the amount contributed by each, and a full, true and detailed statement of all expenditures, giving the amounts expended, the purpose for which expended and the names and post office addresses of the persons and corporations to whom paid, which statement shall be verified by the affidavit of the person or some member of the committee or organization making the charge, and until such statement is filed the officer shall refuse to receive such petition.

Detailed contributions of funds and their expenditure to be reported.

SEC. 9. Upon the filing of such petition in his office, the officer with whom the charge was filed shall stamp on each of said petitions the date of filing, and shall notify the persons filing the same and the officer whose recall is demanded by said petition of the date when said petitions will be canvassed, which date shall be not less than five or more than ten days from the date of filing, and shall, at the time set for said canvass, in the presence of at least one person representing the petitioners and in the presence of the person charged, or some one representing him, if either should desire to be present, detach the sheets containing the signatures and certificates from the copies of the charge, and cause them to be firmly attached to one or more copies of the charge in such volumes as will be most convenient for canvassing and filing, and shall proceed to canvass and count the names of certified legal voters on such petitions. If he shall find the same person has signed more than one petition, he shall reject all signatures of such person from the count. If at the conclusion of the canvass and count, it shall be found that such petition bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall fix a date not less than ten or more than fifteen days after the conclusion of the canvass, for calling a special election to determine whether or not the officer charged shall be recalled and discharged from his office, and shall on said date call such special election, to be held not less than thirty nor more than forty days from the date

Canvassing petition.

To volume petition.

Special election.

of the call, and give notice thereof in the manner required by law for calling special elections in the state or in the political subdivision, as the case may be. But if it be found that the petition does not contain the requisite number of signatures of certified legal voters, the officer shall so notify the persons filing the petition, and at the expiration of thirty days from the conclusion of the count shall, unless prevented therefrom by the injunction or mandate of the courts as hereinafter provided, destroy the petitions.

Petitions destroyed, when.

SEC. 10. The officer making the canvass as hereinabove provided shall keep a record of all names appearing on said petitions which are not certified to be legal voters of the state or of the political subdivision, as the case may be, and of all names appearing more than once on said petition, and shall report the same to the prosecuting attorneys of the respective counties where such names appear to have been signed, to the end that prosecutions may be had for violation of this act.

Illegal signatures reported to prosecuting attorneys.

SEC. 11. The special election to be called as hereinabove provided shall be carried on and conducted in the same manner as general state, county, municipal or other political subdivision elections, as the case may be, are conducted and carried on, and it shall be the duty of all officers of the state, county, municipality or other political subdivisions to provide for the holding of such election and the necessary places and officers, ballot boxes, ballots, poll books and returns as are required by law for holding general elections. The ballots at any such election shall contain a full, true and correct copy of the ballot synopsis of the charge hereinabove provided for, and shall be so arranged that any voter can, by making one cross (X) express his desire to have the officer charged recalled or discharged from his office, or retained therein. Substantially the following form shall be a compliance with the provisions of this section:

Elections conducted as general elections.

RECALL BALLOT.

(Here insert the ballot synopsis of the charge).

FOR the recall of (here insert the name of the officer)[]
 AGAINST the recall of (here insert the name of the officer)[]

Form of ballot.

SEC. 12. The election officers in the various precincts shall count the ballots and make returns thereon to the officer of the county, municipality or other political subdivision, as required by law for making returns of general elections: *Provided*, That in case the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, such returns shall be made to the officer with whom the charge is filed, and who called the special election; and in case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the result of such election to the officer calling such special election.

Returns.

SEC. 13. Upon the completion of the returns of any such election to the proper officer, he shall cause to be published in the manner required by law for the publication of the results of general elections, the result of such election, and a majority of all votes cast at such recall election be for the recall of the officer charged, such officer shall thereupon be recalled and discharged from his office, and the office shall thereupon become and be vacant; and such vacancy shall be filled in the manner provided by the constitution and the laws of the State of Washington, or the charter and ordinances of the municipality, as the case may be.

Results published.

Office declared vacant.

SEC. 14. The superior court of the county constituting or containing any political subdivision of the state in which the recall is invoked as in this act provided shall have original jurisdiction to compel the performance of any act required of any officer of such political subdivision under the provisions of this act, in case such officer refuse to perform the same, or to prevent the performance by any such officer of any act in relation to the recall not in compliance with the provisions of this act; and the supreme court shall have like original jurisdiction in relation to state officers and revisory jurisdiction over the decisions of the superior courts: *Provided*, That any proceeding to compel or prevent the performance of any such act shall be begun within ten days from the time the

Mandamus to compel officer to act.

Procedure.

cause of complaint arises, and shall be considered an emergency matter of public concern and take precedence over other cases, and be speedily heard and determined; and any proceeding to review a decision of any superior court shall be begun and perfected within fifteen days after such decision, and shall be by the supreme court considered an emergency matter of public concern, and speedily heard and determined.

False signing.

SEC. 15. Every person who shall sign any recall petition provided for in this act with any other than his true name, shall be guilty of a felony; and every person who shall knowingly sign more than one of such petitions for the recall of any officer, or who shall sign any such petition when he is not a legal voter, or who shall make on any such petition any false statement as to his place of residence, and every registration officer who shall make any false report or certificate on any such petition shall be guilty of a gross misdemeanor.

Gross misdemeanor.

Corrupt practices.

SEC. 16. Every officer who shall wilfully violate any of the provisions of this act, for the violation of which no penalty is herein prescribed, or who shall wilfully fail to comply with the provisions of this act; and every person who shall for any consideration, compensation, gratuity, reward or thing of value or promise thereof sign or decline to sign any recall petition, or who shall advertise in any newspaper, magazine or other periodical publication or in any book, pamphlet, circular or letter or by means of any sign, signboard, bill, poster, handbill or card or in any manner whatsoever, that he will either for or without compensation or consideration circulate, or solicit, procure or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any recall petition or vote for or against any recall; or who shall for pay or any consideration, compensation, gratuity, reward or thing of value or promise thereof circulate, or solicit, procure or obtain or attempt to procure or obtain signatures upon any recall petition; or who shall pay or offer or promise to pay, or give or offer or

Professional recallers.

promise to give any consideration, compensation, gratuity, reward or thing of value to any person to induce him to sign or not to sign, or to circulate or solicit, procure or attempt to procure or obtain signatures upon any recall petition, or to vote for or against any recall; or who shall by any other corrupt means or practice or by threats or intimidation interfere with or attempt to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall; or who shall receive, accept, handle, distribute, pay out or give away either directly or indirectly any money, consideration, compensation, gratuity, reward or thing of value contributed by or received from any person, firm, association or corporation having his, their or its residence or principal office outside of the State of Washington, or corporation the majority of whose stockholders are non-residents of the State of Washington, for any service, work or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall, shall be guilty of a gross misdemeanor.

Hiring
signers or
solicitors.

Passed the Senate March 4, 1913.

Passed the House March 12, 1913.

Approved by the Governor March 21, 1913.

CHAPTER 147.

[S. B. 369.]

RELATING TO BANKS AND BANKING.

AN ACT relating to banking and providing penalties for the violation thereof and amending sections 3315, 3316, 3339 and 3340 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and adding thereto section 3339½.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 3315 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 3315. The term "banking" within the meaning of this act shall mean the negotiations for, the discounting

[Amends
Rem.-Bal.,
§ 3315;
Pierce's
Code, 1912,
41 § 11.]

Banking
defined.