

(3) Require a wholesale distributor to accept delivery of any product or any other item or commodity which was not ordered by the wholesale distributor.

NEW SECTION. Sec. 6. In any action brought by a wholesale distributor or a supplier pursuant to this chapter, the prevailing party shall be awarded its reasonable attorney's fees and costs.

NEW SECTION. Sec. 7. This chapter may be known and cited as the wholesale distributor/supplier equity agreement act.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 1, 1984.

Passed the House February 26, 1984.

Approved by the Governor March 8, 1984.

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CHAPTER 170

[Substitute Senate Bill No. 3984]
RECALL OF PUBLIC OFFICIALS

AN ACT Relating to the recall; amending section 29.82.010, chapter 9, Laws of 1965 as amended by section 1, chapter 47, Laws of 1975-'76 2nd ex. sess. and RCW 29.82.010; amending section 29.82.015, chapter 9, Laws of 1965 as amended by section 2, chapter 47, Laws of 1975-'76 2nd ex. sess. and RCW 29.82.015; amending section 2, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.025; amending section 29.82.030, chapter 9, Laws of 1965 as amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030; amending section 29.82.090, chapter 9, Laws of 1965 as amended by section 107, chapter 361, Laws of 1977 ex. sess. and RCW 29.82.090; amending section 29.82.100, chapter 9, Laws of 1965 as last amended by section 108, chapter 361, Laws of 1977 ex. sess. and RCW 29.82.100; amending section 1, chapter 42, Laws of 1980 and RCW 29.82.105; amending section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160; amending section 29.82.170, chapter 9, Laws of 1965 and RCW 29.82.170; amending section 29.82.220, chapter 9, Laws of 1965 and RCW 29.82.220; adding new sections to chapter 29.82 RCW; repealing section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1971 ex. sess., section 3, chapter 42, Laws of 1980 and RCW 29.82.020; repealing section 3, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.026; repealing section 29.82.070, chapter 9, Laws of 1965 and RCW 29.82.070; and prescribing penalties.

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

Sec. 1. Section 29.82.010, chapter 9, Laws of 1965 as amended by section 1, chapter 47, Laws of 1975-'76 2nd ex. sess. and RCW 29.82.010 are each amended to read as follows:

Whenever any legal voter ((or committee or organization of legal voters)) of the state or of any political subdivision thereof ((shall)), either individually or on behalf of an organization, desires 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 I of the Constitution, he or they shall prepare a typewritten charge, reciting that such officer, naming him or her 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))~~. The charge shall state the act or acts complained of in concise language, ((giving)) give a detailed description including the approximate date, location, and nature of each act complained of, ((and shall)) be signed by the person or persons making the ((same)) charge, give their respective post office addresses, and be verified under oath that he or they believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

For the purposes of this chapter:

(1) "Misfeasance" or "malfeasance" in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;

(a) Additionally, "misfeasance" in office means the performance of a duty in an improper manner; and

(b) Additionally, "malfeasance" in office means the commission of an unlawful act;

(2) "Violation of the oath of office" means the wilful neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

Sec. 2. Section 29.82.015, chapter 9, Laws of 1965 as amended by section 2, chapter 47, Laws of 1975-'76 2nd ex. sess. and RCW 29.82.015 are each amended to read as follows:

~~((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)) Any person making ((the)) a charge shall file ((the same)) it with the elections officer whose duty it is to receive and file ((petitions for nomination of candidates)) a declaration of candidacy for the office concerning the incumbent of which the recall is to be demanded. The officer with whom the charge is filed shall promptly (1) serve a copy of ((such)) the charge upon the officer whose recall is demanded ((not less than twenty days prior to formulation)), and (2) certify and transmit the charge to the preparer of the ballot synopsis provided in section 3 of this act. The manner of service~~

shall be the same as for the commencement of a civil action in superior court.

NEW SECTION. Sec. 3. There is added to chapter 29.82 RCW a new section to read as follows:

(1) Within fifteen days after receiving a charge, the officer specified below shall formulate a ballot synopsis of the charge of not more than two hundred words.

(a) If the recall is demanded of an elected public officer whose political jurisdiction encompasses an area in more than one county, the attorney general shall be the preparer, except if the recall is demanded of the attorney general, the chief justice of the supreme court shall be the preparer.

(b) If the recall is demanded of an elected public officer whose political jurisdiction lies wholly in one county, the prosecuting attorney shall be the preparer, except that if the prosecuting attorney is the officer whose recall is demanded, the attorney general shall be the preparer.

(2) The synopsis shall set forth the name of the person charged, the title of his office, and a concise statement of the elements of the charge. Upon completion of the ballot synopsis, the preparer shall certify and transmit the exact language of the ballot synopsis to the persons filing the charge and the officer subject to recall. The preparer shall additionally certify and transmit the charges and the ballot synopsis to the superior court of the county in which the officer subject to recall resides and shall petition the superior court to approve the synopsis and to determine the sufficiency of the charges.

NEW SECTION. Sec. 4. There is added to chapter 29.82 RCW a new section to read as follows:

Within fifteen days after receiving the petition, the superior court shall have conducted a hearing on and shall have determined, without cost to any party, (1) whether or not the acts stated in the charge satisfy the criteria for which a recall petition may be filed, and (2) the adequacy of the ballot synopsis. The clerk of the superior court shall notify the person subject to recall and the person demanding recall of the hearing date. Both persons may appear with counsel. The court may hear arguments as to the sufficiency of the charges and the adequacy of the ballot synopsis. The court shall not consider the truth of the charges, but only their sufficiency. An appeal of a sufficiency decision shall be filed in the supreme court as specified by RCW 29.82.160. The superior court shall correct any ballot synopsis it deems inadequate. Any decision regarding the ballot synopsis by the superior court is final. The court shall certify and transmit the ballot synopsis to the officer subject to recall, the person demanding the recall, and either the secretary of state or the county auditor, as appropriate.

Sec. 5. Section 2, chapter 205, Laws of 1971 ex. sess. and RCW 29-82.025 are each amended to read as follows:

~~(1) The sponsors of a recall demanded of any public officer ((may obtain and file supporting signatures after the issuance of the ballot synopsis by the appropriate official. Such signatures shall be obtained and filed within the time periods prescribed as follows:~~

~~(1) In the case of a person elected for a two year term of office;)) shall stop circulation and file all petitions ((must be filed and circulation stopped)) with the appropriate elections officer not less than six months ((prior to)) before the next general election in which the officer whose recall is demanded is subject to reelection.~~

~~(2) ((In the case of a person elected to a four or six year term of office; all petitions must be filed and circulation stopped within ten months prior to the next general election in which the officer whose recall is demanded is subject to reelection:~~

~~Notwithstanding any other provision of law, a recall election shall not be held after the general election when the officer whose recall is demanded was subject to reelection, if such general election is the one immediately following the recall demand:))~~

The sponsors of a recall demanded of an officer elected to a state-wide position shall have a maximum of two hundred ((and)) seventy days ((in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the attorney general subject to the limitations of (1) and (2) of this section:)) and the sponsors of a recall demanded of any other officer shall have a maximum of one hundred ((and)) eighty days in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the ((appropriate official, or after a final determination by a court of competent jurisdiction, whichever is later, subject to the limitations of (1) and (2) of this section)) superior court. If the decision of the superior court regarding the sufficiency of the charges is not appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the sixteenth day following the decision of the superior court. If the decision of the superior court regarding the sufficiency of the charges is appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the day following the issuance of the decision by the supreme court.

Sec. 6. Section 29.82.030, chapter 9, Laws of 1965 as amended by section 4, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.030 are each amended to read as follows:

~~((Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to)) Recall petitions shall be printed on single sheets of paper of good writing quality ((twelve)) (including but not limited to newsprint) not less than eleven inches in width ((by)) and not less than 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)). No petition may be circulated or~~

signed prior to the first day of the one hundred eighty or two hundred seventy day period established by RCW 29.82.025 for that recall petition. Such petitions shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly (1) signs more than one of these petitions, (~~or who~~) (2) signs this petition when he is not a legal voter, or (~~who~~) (3) makes herein any false statement, (~~shall~~) may 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 and legal voters 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) to be held), 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, and to my knowledge, have signed this petition only once.

((_____))

Petitioner's signature	Residence address, street and number, if any	Precinct name or number	City or Town	County
(Here follow 20 numbered lines divided into columns as below.)				
1				
2				
3				
etc.))				

Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
(Here follow 20 numbered lines divided into columns as below.)				
1				
2				
3				
etc.				

Sec. 7. Section 29.82.090, chapter 9, Laws of 1965 as amended by section 107, chapter 361, Laws of 1977 ex. sess. and RCW 29.82.090 are each amended to read as follows:

~~((At the time set for the 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, the canvassing officer shall forthwith compare the signatures on the petition with the voter registration records of that jurisdiction. No signature shall be rejected if the officer conducting the canvass is reasonably certain that the signature on the petition is the same as the signature of a registered voter of that jurisdiction. The omission to fill any blanks shall not prevent the certification of any name if sufficient information is given to enable one by a comparison of signatures to identify the voter. He shall then proceed to canvass and count the names of certified legal voters on such petitions. If he finds that the same person has signed more than one petition, he shall reject all signatures of such person from the count.))~~ (1) Upon the filing of a recall petition, the elections officer shall proceed to verify and canvass the names of legal voters on the petition.

(2) The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed recall so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the superior court. The elections officer may limit the number of observers to not fewer than two on each side, if in his or her opinion a greater number would cause undue delay or disruption of the verification process. Any such limitation shall apply equally to both sides. If the elections officer finds the same name signed to more than one petition, he or she shall reject all but the first such valid signature.

(3) Where the recall of a state-wide elected official is sought, the secretary of state may use any statistical sampling techniques for verification and canvassing which have been adopted by rule for canvassing initiative petitions under RCW 29.79.200. No petition will be rejected on the basis of any statistical method employed. No petition will be accepted on the basis

of any statistical method employed if such method indicates that the petition contains less than the number of signatures of legal voters required by Article I, section 33 (Amendment 8) of the state Constitution.

Sec. 8. Section 29.82.100, chapter 9, Laws of 1965 as last amended by section 108, chapter 361, Laws of 1977 ex. sess. and RCW 29.82.100 are each amended to read as follows:

If, at the conclusion of the verification and canvass (~~(and count)~~), it is found that a petition for recall bears the ~~((requisite))~~ required number of signatures of certified legal voters, the officer with whom the petition is filed shall promptly certify the petitions as sufficient and fix a date for the special election to determine whether or not the officer charged shall be recalled and discharged from ~~((his))~~ office. ~~((Such))~~ The special election shall be held not less than forty-five nor more than sixty days from the ~~((date of the call))~~ certification and, whenever possible, on one of the dates provided in RCW 29.13.020(~~(- PROVIDED, That))~~, but no recall election ~~((shall))~~ may be held between the date of the primary and the date of the general election in any calendar year. Notice ~~((thereof))~~ shall be given in the manner as required by law for special elections in the state or in the political subdivision, as the case may be.

Sec. 9. Section 1, chapter 42, Laws of 1980 and RCW 29.82.105 are each amended to read as follows:

When a date for a special recall election is set the certifying officer ~~((with whom the petition is filed))~~ shall serve a notice of the date of the election ~~((and a copy of the ballot synopsis of the charge as it will appear on the ballot))~~ to the officer whose recall is demanded and the person demanding recall. The manner of service shall be the same as for the commencement of a civil action in superior court. After having been served a notice of the date of the election and the ballot synopsis, the officer whose recall is demanded may submit to the certifying officer ~~((with whom the petition is filed))~~ a response, not to exceed two hundred ~~((and))~~ fifty words in length, to the charge contained in the ballot synopsis. Such response shall be submitted by the seventh consecutive day after service of the notice. The certifying officer shall promptly send a copy of the response to the person who filed the petition.

Sec. 10. Section 29.82.160, chapter 9, Laws of 1965 and RCW 29.82.160 are each amended to read as follows:

The superior court of the county ~~((constituting or containing any political subdivision))~~ in which the officer subject to recall ~~((is invoked shall have))~~ resides has original jurisdiction to compel the performance of any act required of any public officer or to prevent the performance by any such officer of any act in relation to the recall not in compliance with law.

The supreme court (~~((shall have))~~) has 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 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. Any proceeding to review a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case and shall be ((by the supreme court)) considered an emergency matter of public concern by the supreme court, and ((speedily)) heard and determined within thirty days after the decision of the superior court.

Sec. 11. Section 29.82.170, chapter 9, Laws of 1965 and RCW 29.82-.170 are each amended to read as follows:

Every person who signs a recall petition with any other than his true name (~~((shall be))~~) is guilty of a felony(~~((;))~~). Every person who knowingly (1) signs more than one petition for the same recall, ((or who)) (2) signs a recall petition when he is not a legal voter, or ((who)) (3) makes a false statement as to his residence on any recall petition((, and)) is guilty of a gross misdemeanor. Every registration officer who ((shall)) makes any false report or certificate on any recall petition ((shall be)) is guilty of a gross misdemeanor.

Sec. 12. Section 29.82.220, chapter 9, Laws of 1965 and RCW 29.82-.220 are each amended to read as follows:

Every person (~~((shall be))~~) is guilty of a gross misdemeanor, who:

(1) For any consideration, compensation, gratuity, reward, or thing of value or promise thereof, signs or declines to sign any recall petition; or

(2) Advertises 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

(3) For pay or any consideration, compensation, gratuity, reward, or thing of value or promise thereof, circulates, or solicits, procures, or obtains or attempts to procure or obtain signatures upon any recall petition; or

(4) Pays or offers or promises to pay, or gives or offers or promises 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

(5) By any other corrupt means or practice or by threats or intimidation interferes with or attempts 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

(6) Receives, accepts, handles, distributes, pays out, or gives away, directly or indirectly, any money, consideration, compensation, gratuity, reward, or thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose stockholders are nonresidents 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.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 29.82.020, chapter 9, Laws of 1965, section 1, chapter 205, Laws of 1971 ex. sess., section 3, chapter 42, Laws of 1980 and RCW 29.82.020;

(2) Section 3, chapter 205, Laws of 1971 ex. sess. and RCW 29.82-.026; and

(3) Section 29.82.070, chapter 9, Laws of 1965 and RCW 29.82.070.

Passed the Senate March 1, 1984.

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Approved by the Governor March 8, 1984.

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CHAPTER 171

[Substitute Senate Bill No. 4050]

LEGAL MESSENGERS—TRANSPORTATION REGULATION

AN ACT Relating to transportation regulation of legal messengers; and amending section 81.80.040, chapter 14, Laws of 1961 as last amended by section 1, chapter 6, Laws of 1979 ex. sess. and RCW 81.80.040.

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

Sec. 1. Section 81.80.040, chapter 14, Laws of 1961 as last amended by section 1, chapter 6, Laws of 1979 ex. sess. and RCW 81.80.040 are each amended to read as follows:

The provisions of this chapter, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

(1) Motor vehicles when operated in transportation exclusively within the corporate limits of any city or town of less than ten thousand population unless contiguous to a city or town of ten thousand population or over, nor between contiguous cities or towns both or all of which are less than ten thousand population;

(2) Motor vehicles when operated in transportation wholly within the corporate limits of cities or towns of ten thousand or more but less than