

AN ACT

TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF WASHINGTON FOR THEIR APPROVAL OR REJECTION

AT THE

GENERAL ELECTION

TO BE HELD

On Tuesday, the Seventh day of November, 1916,

Passed by the Legislature and Proposed to the People by Referendum Petition, filed in the office of Secretary of State February 11, 1916, commonly known as the Recall of Public Officers Measure.

(Will appear on the official ballot in the following form)

PROPOSED TO THE PEOPLE BY REFERENDUM PETITION.

REFERENDUM MEASURE NO. 4, entitled "An act to carry out the provisions and to facilitate the operation and effect of sections 33 and 34 of article I, of the constitution relating to the recall of elective public officers, to prevent fraud, and amending sections 4940-4, 4940-6, 4940-7, 4940-8, 4940-9, 4940-10, 4940-15 and 4940-16, Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing section 4940-5, Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring this act shall take effect January 1, 1916."

To sustain the legislative act, vote "FOR."

FOR Recall of Public Officers Measure.....

AGAINST Recall of Public Officers Measure.....

Referendum Measure No. 4

BALLOT TITLE

"An act to carry out the provisions and to facilitate the operation and effect of sections 33 and 34 of article I, of the constitution relating to the recall of elective public officers, to prevent fraud, and amending sections 4940-4, 4940-6, 4940-7, 4940-8, 4940-9, 4940-10, 4940-15 and 4940-16, Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing section 4940-5, Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring this act shall take effect January 1, 1916."

AN ACT to carry out the provisions and to facilitate the operation and effect of sections 33 and 34 of article I, of the constitution relating to the recall of elective public officers, to prevent fraud, and amending sections 4940-4, 4940-6, 4940-7, 4940-8, 4940-9, 4940-10, 4940-15 and 4940-16, Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing section 4940-5, Rem-

ington & Ballinger's Annotated Codes and Statutes of Washington, and declaring this act shall take effect January 1, 1916.

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

SECTION 1. That section 4940-4 Rem. & Bal. Code be amended to read as follows:

Section 4940-4. 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 petition shall be substantially in the following form:

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 falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make any false statement to any registration officer as to his identity or place of residence, shall be fined, or imprisoned, or both.

PETITION FOR RECALLS

Of (here insert the name of the person whose recall is petitioned for, the office which he holds, and the political division in which the office exists, as "John Doe, sheriff ofcounty, Washington.") 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), written after my name, and my residence address is correctly stated.

Initials of Registration Officers	Petitioner's Signatures	Residence Address, Street and Number, if any	Precinct Name or Number	Ward Number, if any	City or Town
(Here follow 20 numbered lines divided into columns as below)					
.....	1.....	.....	.....	.....	.....
.....	2.....	.....	.....	.....	.....
.....	3.....	.....	.....	.....	.....
.....	4.....	.....	.....	.....	.....
.....	etc.....	.....	.....	.....	.....

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 the signatures on the foregoing petition were signed in my office; that the initials opposite said signatures respectively, are my initials or the initials of a duly authorized deputy in my office; that before any such signature opposite which initials are written, was signed upon said petition, the person proposing to sign the same was required to identify himself as a duly registered legal voter, or to establish his right to and register as a legal voter in the registration books in my office; that after said petition was signed the signature thereon was carefully compared with the signature of such voter in the registration books and found to apparently have been written by the same hand, and that thereupon the officer making the comparison placed his initials opposite such signature and entered the residence address, precinct, ward and city (or town) shown upon the registration book opposite said signature; and that when the foregoing petition was taken from my office it contained..... initialed signatures and no more, and that before surrendering said petition I caused the red ink perpendicular line thereon to be drawn through the blank spaces for signatures.

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

 Registration officer of the city
 (town or precinct) of.....

 By Deputy.

SEC. 2. That section 4940-5 Rem. & Bal. Code be and the same is hereby repealed.

SEC. 3. That section 4940-6 Rem. & Bal. Code be amended to read as follows:

Section 4940-6. Each recall petition 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 certificate on each 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.

SEC. 4. That section 4940-7 Rem. & Bal. Code be amended to read as follows:

Section 4940-7. Upon the recall petitions being prepared as hereinabove provided, and from time to time thereafter, the persons in charge of such recall may deposit such number of blank petitions in the proper form hereinabove in this act prescribed, as they may deem expedient, with the registration officer of any city, town or precinct, and take his receipt therefor, and it shall be the duty of each such registration officer with whom blank petitions are deposited, to, at all times display in a conspicuous place or places in his office and in each branch office under his charge, signs or placards bearing the words "Recall petitions may be signed here," which words shall be in letters of sufficient size to be easily read, and it shall be the duty of each registration officer to, at all times when his office is open for the registration of voters, permit any duly registered voter whose registration appears upon the books of such office, and who has not theretofore signed the particular recall petition which he desires to sign, to sign any such petition deposited in his office, and whenever and so long as any recall petition shall be on file in any registration office for signing, such office shall be kept open on each Friday and Saturday from 6 p. m. to 9 p. m. in addition to the regular office hours; *Provided*, That he shall not permit more than twenty registered voters

to sign on any one sheet of such petition and shall require the voters who sign the same, to sign upon the blank line for that purpose. Whenever any person shall apply to the registration officer for permission to sign any recall petition, the registration officer, or his deputy, to whom the application is made, shall if such person is not registered, require such person to register in the manner provided by law before permitting them to sign any recall petition. If such person states that he is a registered voter, the officer shall ask such questions concerning his place of birth, age, occupation and place of residence as will identify the person with the name upon the registration books, and if the answers to such questions correspond with the information upon the registration books, shall ascertain whether the registration books show that the registered voter has previously signed such petition, and if it appears that he has not previously signed, the officer shall permit such person to sign such petition with pen and ink. In either case the officer shall compare the signature on the petition with the signature on the registration books, and if such signature shall appear to the officer to have been written by the same hand, the officer shall enter upon the petition opposite the signature, the residence address, the precinct name or number, the ward number, if any, and the name of the city (or town) of such voter as shown by the registration books, and shall write the initials of his given name or names and of his surname, with pen and ink, on the petition opposite and at the left of the signature and shall write on the registration books in the column headed "Remarks" the words "Recall of (name of officer charged)." If the signature upon the petition appears to the officer to have been written by a different hand than that on the registration books the officer shall refuse to initial and certify the signature. Whenever the persons in charge of any recall petition shall demand the return of any petition deposited with any registration officer, as hereinabove provided, and shall return the receipt therefor, the officer shall cause a red ink perpendicular line to be drawn through the blank spaces for signatures on any such petition and shall fill out the cer-

tificate and certify the number of initialed signatures on each sheet of such petition and date and sign such certificate.

SEC. 5. That section 4940-8 Rem. & Bal. Code be amended to read as follows:

Section 4940-8. 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 any monies to aid in the preparation of the charge and in the preparation 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.

SEC. 6. That section 4940-9 Rem. & Bal. Code be amended to read as follows:

Section 4940-9. 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 petition will be canvassed, which date shall be not less than five nor 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 petition and in the presence of the officer charged or someone 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 the petitions and to count the names of duly initialed and certified legal voters thereon. 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 nor 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 or more than forty days from the date 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 person 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.

SEC. 7. That section 4940-10 Rem. & Bal. Code be amended to read as follows:

Section 4940-10. The officer making the canvass as hereinabove provided shall keep a record of all names appearing on said petition which are not certified to be legal voters of the state or of the political subdivision, as the case may be, 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 violations of this act.

SEC. 8. That section 4940-15 Rem. & Bal. Code be amended to read as follows:

Section 4940-15. 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 falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make to such registration officer any false statement as to his identity or place of residence, and every registration officer who shall knowingly permit any person other than a duly registered voter to sign any such petition, and each person who shall knowingly initial any signature which he does not believe to be the signature of a legal voter, or who shall knowingly make any false report or certificate on any such petition, shall be guilty of a gross misdemeanor.

SEC. 9. That section 4940-16 Rem. & Bal. Code be amended to read as follows:

Section 4940-16. Every officer who shall wilfully violate any of the provisions of this act, 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, 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, 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 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 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, or who shall within one hundred feet of the entrance to any registration office, solicit or attempt to induce any person to sign or not to sign any recall petition, shall be guilty of a gross misdemeanor.

SEC. 10. This act shall take effect January 1, 1916.

Passed the House March 2, 1915.

Passed the Senate March 4, 1915.

Vetoed by the Governor March 9, 1915.

Passed over the Governor's veto March 11, 1915.

STATE OF WASHINGTON—ss.

Filed in the office of Secretary of State, March 18, 1915.

I. M. HOWELL, Secretary of State.