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**SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THURSTON COUNTY**

THE HONORABLE KIM WYMAN, in  
her official capacity as Secretary of State  
of Washington,

Plaintiff,

v.

GERALD HANKERSON; JESSE  
WINEBERRY SR.; DR. TERRYL ROSS;  
APRIL FEATHERKILE; LIVIO De La  
CRUZ; REGIS COSTELLO; MICHAEL  
McKEE; DEMOND JOHNSON; TIM  
EYMAN; KARIM ALI; GEORGENE  
FARIES; JULIA BOBADILLA-MELBY;  
KAN QIU; and LARRY JENSEN,

Interested Parties.

NO.

COMPLAINT FOR  
DECLARATORY JUDGMENT

**I. INTRODUCTION**

1. In 1911, the People of the State of Washington amended the Washington Constitution to reserve to themselves the power to legislate by initiative. From the beginning, the People have conditioned the exercise of this important "first power" on, among other things, petitions signed by a substantial number of voters. The People reaffirmed the importance of this condition when they adopted Amendment 30 in 1956 and Amendment 72 in 1981.

1           2.       Today, the Washington Constitution requires that an initiative petition be  
2 supported by “valid signatures” of registered voters representing at least “eight percent of the  
3 votes cast for the office of governor at the last gubernatorial election.” Wash. Const. art. II, § 1.

4           3.       Once a sponsor of an initiative has gathered the required number of signatures,  
5 RCW 29A.72.150 requires submission of such signatures to the Secretary of State for filing.  
6 RCW 29A.72.230 and WAC 434-379-010, -012, and -020 govern the Secretary of State’s  
7 canvassing and verification of signatures on initiative petitions. In verifying signatures of  
8 Washington voters, WAC 434-379-020 requires consideration of specified characteristics,  
9 including:

- 10           (1)       The signature is handwritten;
- 11           (2)       Agreement in style and general appearance, including basic construction, skill,  
12 alignment, fluency, and a general uniformity and consistency between  
13 signatures;
- 14           (3)       Agreement in the proportions of individual letters, height to width, and heights  
15 of the upper to lower case letters;
- 16           (4)       Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;
- 17           (5)       After considering the general traits, agreement of the most distinctive, unusual  
18 traits of the signatures.

19           4.       Since 1911, the Secretary of State has consistently required handwritten  
20 signatures to verify the match with a Washington registered voter. The Secretary of State requires  
21 handwritten signatures to maintain the integrity of the signature-gathering process and to ensure  
22 that signatures can be validated against signatures of registered voters in voter registration files.

23           5.       In 2020, after over 100 years of established practice, an initiative sponsor has  
24 suggested that the Secretary of State must also accept electronic signatures representation. This  
25 Court should reject that argument. If the signature requirement is to be fundamentally altered,  
26 that decision should be made by the Legislature in the first instance.

1 6. Resolving this issue now, by way of a declaratory judgment action, is necessary  
2 to provide clarity to sponsors of proposed initiatives to the Legislature as they gather signatures  
3 in advance of the 2021 regular session of the Legislature.

4 7. Secretary Wyman respectfully requests a declaratory judgment that she is not  
5 required to treat electronic signature representations as signatures when verifying and canvassing  
6 signatures on initiative petitions.

## 7 II. PARTIES

8 8. Kim Wyman is the Secretary of State of Washington. She brings this action  
9 exclusively in her official capacity. Under the Washington Constitution and state statutes, the  
10 Secretary of State is responsible for accepting initiative petitions and determining whether they  
11 contain sufficient signatures.

12 9. Defendant Gerald Hankerson is a co-sponsor of Initiative 1234.

13 10. Interested Party Karim Ali is the sponsor of Initiative 1113.

14 11. Interested Party Julia Bobadilla-Melby is the sponsor of an initiative that has not  
15 yet been assigned a number.

16 12. Interested Party Regis Costello is the sponsor of Initiatives 1117, 1119, and 1123.

17 13. Interested Party Livio De La Cruz is a sponsor of Initiative 1234 and 1252.

18 14. Interested Party Tim Eyman is the sponsor of Initiatives 1115 and 1116.

19 15. Interested Party Georgene Faries is the sponsor of Initiatives 1106 and 1109.

20 16. Interested Party April Featherkile is the sponsor of Initiatives 1243, 1244, 1245,  
21 and 1246.

22 17. Interested Party Larry Jensen is the sponsor of Initiatives 1097, 1098, 1099, 1100,  
23 1101, 1102, 1103, 1104, 1105, 1107, and 1108.

24 18. Interested Party Demond Johnson is the sponsor of Initiative 1118.

25 19. Interested Party Michael McKee is the sponsor of Initiatives 1110, 1111, 1112,  
26 1114, and 1121.

1 20. Interested Party Kan Qui is the sponsors of Initiatives 1124, 1125, 1126, 1127,  
2 1128, 1203, 1204, 1205, 1206, 1238, 1239, 1240, 1241, 1247, 1248, 1249, 1250, 1251, 1252,  
3 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, and 1267.

4 21. Interested Party Dr. Terryl Ross is the sponsor of Initiatives 1120, 1200, and  
5 1234.

6 22. Interested Party Jesse Wineberry, Sr., is a co-sponsor of Initiative 1234.

### 7 III. JURISDICTION AND VENUE

8 23. This Court has jurisdiction over this matter pursuant to article IV, section 6 of the  
9 Washington Constitution, RCW 2.08.010, RCW 7.24.010, and RCW 7.24.050.

10 24. Venue is proper in Thurston County pursuant to RCW 4.92.010, 7.24.080  
11 and 29A.72.240.

### 12 IV. RELEVANT FACTS

13 25. The Washington Constitution requires that, for initiatives to the Legislature, “the  
14 number of valid signatures of legal voters required shall be equal to eight percent of the votes  
15 cast for the office of governor at the last gubernatorial election.” Wash. Const., art. II, § 1.

16 26. The deadline for a sponsor to file an initiative to the legislature and the required  
17 signatures is ten days before the next regular session of the Legislature. In order to submit a  
18 petition to the Legislature for consideration during its 2021 session, the sponsor must submit the  
19 petition no later than December 31, 2020.

20 27. There are currently 67 proposed initiatives to the Legislature that have been  
21 assigned a number and not been withdrawn.

22 28. On March 11, 2020, Mr. Jensen submitted proposed Initiatives 1097, 1098, 1099,  
23 1100, 1101, 1102, 1103, 1104, and 1105. On March 17, 2020, Mr. Jensen submitted proposed  
24 Initiatives 1107 and 1108.

25 29. On March 12, 2020, Ms. Faries submitted proposed Initiative 1106. On April 7,  
26 2020, Ms. Faries submitted proposed Initiative 1109.

1           30.     On May 12, 2020, Mr. McKee submitted proposed Initiatives 1110, 1111, and  
2 1112. On June 10, 2020, Mr. McKee submitted proposed Initiative 1114. On July 22, 2020,  
3 Mr. McKee submitted proposed Initiative 1121.

4           31.     On June 2, 2020, Mr. Ali submitted proposed Initiative 1113.

5           32.     On June 4, 2020, Dr. Ross became a sponsor of Initiative 1776, an initiative to  
6 the people. On July 6, 2020, Dr. Ross submitted proposed Initiative 1120, an initiative to the  
7 Legislature. On August 17, 2020, Dr. Ross submitted proposed Initiatives 1200, 1234, and three  
8 additional proposed initiatives to the Legislature that have not yet been assigned a number.

9           33.     On June 18, 2020, Mr. Eyman submitted proposed Initiatives 1115 and 1116.

10          34.     On June 24, 2020, Mr. Johnson submitted proposed Initiative 1118.

11          35.     On July 7, 2020, Mr. Costello submitted proposed Initiatives 1117 and 1119. On  
12 August 3, 2020, Mr. Costello submitted proposed Initiative 1123.

13          36.     On August 4, 2020, Mr. Qiu submitted proposed Initiatives 1124, 1125, and 1126.  
14 On August 5, 2020, Mr. Qiu submitted proposed Initiative 1127. On August 10, 2020, Mr. Qiu  
15 submitted proposed Initiative 1128. On August 7, 2020, Mr. Qiu submitted proposed Initiative  
16 1203. On August 13, 2020, Mr. Qiu submitted proposed Initiative 1204. On August 18, 2020,  
17 Mr. Qiu submitted proposed Initiatives 1206, 1238, 1239, 1240, 1241, 1247, 1248, 1249, 1250,  
18 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265,  
19 1266, 1267.

20          37.     On August 19, 2020, Mr. De La Cruz submitted proposed Initiative 1242.

21          38.     On August 28, 2020, Ms. Featherkile submitted proposed Initiatives 1243, 1244,  
22 1245, and 1246.

23          39.     On September 2, 2020, Ms. Bobdilla-Melby submitted a proposed initiative that  
24 has not yet been assigned a number.

25          40.     On September 14, 2020, Dr. Ross submitted co-sponsor affidavits naming  
26 Mr. Wineberry, Mr. Hankerson, and Mr. De La Cruz as co-sponsors of Initiative 1234.

1           41.     On September 14, 2020, Secretary Wyman received a letter from counsel for  
2 Mr. Hankerson. In that letter, counsel for Mr. Hankerson stated that Secretary Wyman is required  
3 to accept electronic “handwritten signatures gathered on-line with an established on-line system  
4 such as DocuSign.”

5                           **V.     CAUSE OF ACTION: DECLARATORY JUDGMENT**

6           42.     Secretary Wyman re-alleges and incorporates the preceding paragraphs as though  
7 fully set forth herein.

8           43.     There is an actual, existing, and present dispute, or the mature seeds of one,  
9 regarding whether Secretary Wyman is required to count electronic signature representations  
10 when verifying and canvassing signatures on initiative petitions.

11          44.     The parties have genuine and opposing interests that are direct and substantial, as  
12 reflected by the September 14, 2020 letter from counsel for co-sponsor Gerald Hankerson.

13          45.     A judicial determination will be final and determinative of Secretary Wyman’s  
14 authority to accept or reject electronic signature representations. Unless required by law,  
15 Secretary Wyman will reject electronic signature representations.

16          46.     Neither the Washington Constitution nor any statute requires that Secretary  
17 Wyman treat electronic signature representations and signatures for purposes of verifying and  
18 canvassing signatures on initiative petitions.

19          47.     Secretary Wyman is entitled to a declaration that she is not required to treat  
20 electronic signature representations as signatures when verifying and canvassing signatures on  
21 initiative petitions.

22                           **VI.     REQUEST FOR RELIEF**

23           WHEREFORE, the Secretary requests the following relief:

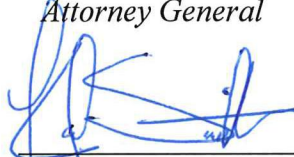
24           1.     That this Court enter a declaratory judgment that Secretary Wyman is not  
25 required to treat electronic signature representations as signatures when verifying and canvassing  
26 signatures on initiative petitions.

1           2.       Such other and further relief as may follow from the entry of declaratory  
2 judgment; and

3           3.       Any further relief as the Court deems just and proper.

4           DATED this 17th day of September, 2020.

5                                   ROBERT W. FERGUSON  
6                                   *Attorney General*

7  
8 

9                                   KARL D. SMITH, WSBA 41988  
10                                  TERA HEINTZ, WSBA 54921

11                                  *Deputy Solicitors General*  
12                                  PO Box 40100  
13                                  Olympia, WA 98504-0100  
14                                  (360) 753-6200  
15                                  Karl.Smith@atg.wa.gov  
16                                  Tera.Heintz@atg.wa.gov

**Thurston County Clerks eFile - Status Confirmation**

Print Date: 9/17/2020 3:49:22 PM  
Case Number: 22-2-22222-22  
Case Title: Kim Wyman v. Gerald Hankerson, et al.  
Case Type: Civil  
Document List: Complaint  
Uploaded File Name: Complaint\_9174612020.pdf  
Bench Copy Request: No  
File Upload Time: 9/17/2020 3:46:41 PM  
Case Status: SUCCESS