
SECOND SUBSTITUTE HOUSE BILL 2601

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Hunt, Hasegawa, Hudgins, Ormsby, Chase, and Simpson)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to signature gatherers; amending RCW 29A.72.110,
2 29A.72.120, 29A.72.130, and 29A.72.170; reenacting and amending RCW
3 42.17.020; adding new sections to chapter 42.17 RCW; adding new
4 sections to chapter 29A.72 RCW; creating a new section; prescribing
5 penalties; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 42.17.020 and 2007 c 358 s 1 and 2007 c 180 s 1 are
8 each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Actual malice" means to act with knowledge of falsity or with
12 reckless disregard as to truth or falsity.

13 (2) "Agency" includes all state agencies and all local agencies.
14 "State agency" includes every state office, department, division,
15 bureau, board, commission, or other state agency. "Local agency"
16 includes every county, city, town, municipal corporation, quasi-
17 municipal corporation, or special purpose district, or any office,
18 department, division, bureau, board, commission, or agency thereof, or
19 other local public agency.

1 (3) "Authorized committee" means the political committee authorized
2 by a candidate, or by the public official against whom recall charges
3 have been filed, to accept contributions or make expenditures on behalf
4 of the candidate or public official.

5 (4) "Ballot proposition" means any "measure" as defined by RCW
6 29A.04.091, or any initiative, recall, or referendum proposition
7 proposed to be submitted to the voters of the state or any municipal
8 corporation, political subdivision, or other voting constituency from
9 and after the time when the proposition has been initially filed with
10 the appropriate election officer of that constituency prior to its
11 circulation for signatures.

12 (5) "Benefit" means a commercial, proprietary, financial, economic,
13 or monetary advantage, or the avoidance of a commercial, proprietary,
14 financial, economic, or monetary disadvantage.

15 (6) "Bona fide political party" means:

16 (a) An organization that has filed a valid certificate of
17 nomination with the secretary of state under chapter 29A.20 RCW;

18 (b) The governing body of the state organization of a major
19 political party, as defined in RCW 29A.04.086, that is the body
20 authorized by the charter or bylaws of the party to exercise authority
21 on behalf of the state party; or

22 (c) The county central committee or legislative district committee
23 of a major political party. There may be only one legislative district
24 committee for each party in each legislative district.

25 (7) "Depository" means a bank designated by a candidate or
26 political committee pursuant to RCW 42.17.050.

27 (8) "Treasurer" and "deputy treasurer" mean the individuals
28 appointed by a candidate or political committee, pursuant to RCW
29 42.17.050, to perform the duties specified in that section.

30 (9) "Candidate" means any individual who seeks nomination for
31 election or election to public office. An individual seeks nomination
32 or election when he or she first:

33 (a) Receives contributions or makes expenditures or reserves space
34 or facilities with intent to promote his or her candidacy for office;

35 (b) Announces publicly or files for office;

36 (c) Purchases commercial advertising space or broadcast time to
37 promote his or her candidacy; or

1 (d) Gives his or her consent to another person to take on behalf of
2 the individual any of the actions in (a) or (c) of this subsection.

3 (10) "Caucus political committee" means a political committee
4 organized and maintained by the members of a major political party in
5 the state senate or state house of representatives.

6 (11) "Commercial advertiser" means any person who sells the service
7 of communicating messages or producing printed material for broadcast
8 or distribution to the general public or segments of the general public
9 whether through the use of newspapers, magazines, television and radio
10 stations, billboard companies, direct mail advertising companies,
11 printing companies, or otherwise.

12 (12) "Commission" means the agency established under RCW 42.17.350.

13 (13) "Compensation" unless the context requires a narrower meaning,
14 includes payment in any form for real or personal property or services
15 of any kind: PROVIDED, That for the purpose of compliance with RCW
16 42.17.241, the term "compensation" shall not include per diem
17 allowances or other payments made by a governmental entity to reimburse
18 a public official for expenses incurred while the official is engaged
19 in the official business of the governmental entity.

20 (14) "Continuing political committee" means a political committee
21 that is an organization of continuing existence not established in
22 anticipation of any particular election campaign.

23 (15)(a) "Contribution" includes:

24 (i) A loan, gift, deposit, subscription, forgiveness of
25 indebtedness, donation, advance, pledge, payment, transfer of funds
26 between political committees, or anything of value, including personal
27 and professional services for less than full consideration;

28 (ii) An expenditure made by a person in cooperation, consultation,
29 or concert with, or at the request or suggestion of, a candidate, a
30 political committee, the person or persons named on the candidate's or
31 committee's registration form who direct expenditures on behalf of the
32 candidate or committee, or their agents;

33 (iii) The financing by a person of the dissemination, distribution,
34 or republication, in whole or in part, of broadcast, written, graphic,
35 or other form of political advertising or electioneering communication
36 prepared by a candidate, a political committee, or its authorized
37 agent;

1 (iv) Sums paid for tickets to fund-raising events such as dinners
2 and parties, except for the actual cost of the consumables furnished at
3 the event.

4 (b) "Contribution" does not include:

5 (i) Standard interest on money deposited in a political committee's
6 account;

7 (ii) Ordinary home hospitality;

8 (iii) A contribution received by a candidate or political committee
9 that is returned to the contributor within five business days of the
10 date on which it is received by the candidate or political committee;

11 (iv) A news item, feature, commentary, or editorial in a regularly
12 scheduled news medium that is of primary interest to the general
13 public, that is in a news medium controlled by a person whose business
14 is that news medium, and that is not controlled by a candidate or a
15 political committee;

16 (v) An internal political communication primarily limited to the
17 members of or contributors to a political party organization or
18 political committee, or to the officers, management staff, or
19 stockholders of a corporation or similar enterprise, or to the members
20 of a labor organization or other membership organization;

21 (vi) The rendering of personal services of the sort commonly
22 performed by volunteer campaign workers, or incidental expenses
23 personally incurred by volunteer campaign workers not in excess of
24 fifty dollars personally paid for by the worker. "Volunteer services,"
25 for the purposes of this section, means services or labor for which the
26 individual is not compensated by any person;

27 (vii) Messages in the form of reader boards, banners, or yard or
28 window signs displayed on a person's own property or property occupied
29 by a person. However, a facility used for such political advertising
30 for which a rental charge is normally made must be reported as an in-
31 kind contribution and counts towards any applicable contribution limit
32 of the person providing the facility;

33 (viii) Legal or accounting services rendered to or on behalf of:

34 (A) A political party or caucus political committee if the person
35 paying for the services is the regular employer of the person rendering
36 such services; or

37 (B) A candidate or an authorized committee if the person paying for

1 the services is the regular employer of the individual rendering the
2 services and if the services are solely for the purpose of ensuring
3 compliance with state election or public disclosure laws; or

4 (ix) The performance of ministerial functions by a person on behalf
5 of two or more candidates or political committees either as volunteer
6 services defined in (b)(vi) of this subsection or for payment by the
7 candidate or political committee for whom the services are performed as
8 long as:

9 (A) The person performs solely ministerial functions;

10 (B) A person who is paid by two or more candidates or political
11 committees is identified by the candidates and political committees on
12 whose behalf services are performed as part of their respective
13 statements of organization under RCW 42.17.040; and

14 (C) The person does not disclose, except as required by law, any
15 information regarding a candidate's or committee's plans, projects,
16 activities, or needs, or regarding a candidate's or committee's
17 contributions or expenditures that is not already publicly available
18 from campaign reports filed with the commission, or otherwise engage in
19 activity that constitutes a contribution under (a)(ii) of this
20 subsection.

21 A person who performs ministerial functions under this subsection
22 (15)(b)(ix) is not considered an agent of the candidate or committee as
23 long as he or she has no authority to authorize expenditures or make
24 decisions on behalf of the candidate or committee.

25 (c) Contributions other than money or its equivalent are deemed to
26 have a monetary value equivalent to the fair market value of the
27 contribution. Services or property or rights furnished at less than
28 their fair market value for the purpose of assisting any candidate or
29 political committee are deemed a contribution. Such a contribution
30 must be reported as an in-kind contribution at its fair market value
31 and counts towards any applicable contribution limit of the provider.

32 (16) "Elected official" means any person elected at a general or
33 special election to any public office, and any person appointed to fill
34 a vacancy in any such office.

35 (17) "Election" includes any primary, general, or special election
36 for public office and any election in which a ballot proposition is
37 submitted to the voters: PROVIDED, That an election in which the
38 qualifications for voting include other than those requirements set

1 forth in Article VI, section 1 (Amendment 63) of the Constitution of
2 the state of Washington shall not be considered an election for
3 purposes of this chapter.

4 (18) "Election campaign" means any campaign in support of or in
5 opposition to a candidate for election to public office and any
6 campaign in support of, or in opposition to, a ballot proposition.

7 (19) "Election cycle" means the period beginning on the first day
8 of January after the date of the last previous general election for the
9 office that the candidate seeks and ending on December 31st after the
10 next election for the office. In the case of a special election to
11 fill a vacancy in an office, "election cycle" means the period
12 beginning on the day the vacancy occurs and ending on December 31st
13 after the special election.

14 (20) "Electioneering communication" means any broadcast, cable, or
15 satellite television or radio transmission, United States postal
16 service mailing, billboard, newspaper, or periodical that:

17 (a) Clearly identifies a candidate for a state, local, or judicial
18 office either by specifically naming the candidate, or identifying the
19 candidate without using the candidate's name;

20 (b) Is broadcast, transmitted, mailed, erected, distributed, or
21 otherwise published within sixty days before any election for that
22 office in the jurisdiction in which the candidate is seeking election;
23 and

24 (c) Either alone, or in combination with one or more communications
25 identifying the candidate by the same sponsor during the sixty days
26 before an election, has a fair market value of five thousand dollars or
27 more.

28 (21) "Electioneering communication" does not include:

29 (a) Usual and customary advertising of a business owned by a
30 candidate, even if the candidate is mentioned in the advertising when
31 the candidate has been regularly mentioned in that advertising
32 appearing at least twelve months preceding his or her becoming a
33 candidate;

34 (b) Advertising for candidate debates or forums when the
35 advertising is paid for by or on behalf of the debate or forum sponsor,
36 so long as two or more candidates for the same position have been
37 invited to participate in the debate or forum;

1 (c) A news item, feature, commentary, or editorial in a regularly
2 scheduled news medium that is:

3 (i) Of primary interest to the general public;

4 (ii) In a news medium controlled by a person whose business is that
5 news medium; and

6 (iii) Not a medium controlled by a candidate or a political
7 committee;

8 (d) Slate cards and sample ballots;

9 (e) Advertising for books, films, dissertations, or similar works
10 (i) written by a candidate when the candidate entered into a contract
11 for such publications or media at least twelve months before becoming
12 a candidate, or (ii) written about a candidate;

13 (f) Public service announcements;

14 (g) A mailed internal political communication primarily limited to
15 the members of or contributors to a political party organization or
16 political committee, or to the officers, management staff, or
17 stockholders of a corporation or similar enterprise, or to the members
18 of a labor organization or other membership organization;

19 (h) An expenditure by or contribution to the authorized committee
20 of a candidate for state, local, or judicial office; or

21 (i) Any other communication exempted by the commission through rule
22 consistent with the intent of this chapter.

23 (22) "Expenditure" includes a payment, contribution, subscription,
24 distribution, loan, advance, deposit, or gift of money or anything of
25 value, and includes a contract, promise, or agreement, whether or not
26 legally enforceable, to make an expenditure. The term "expenditure"
27 also includes a promise to pay, a payment, or a transfer of anything of
28 value in exchange for goods, services, property, facilities, or
29 anything of value for the purpose of assisting, benefitting, or
30 honoring any public official or candidate, or assisting in furthering
31 or opposing any election campaign. For the purposes of this chapter,
32 agreements to make expenditures, contracts, and promises to pay may be
33 reported as estimated obligations until actual payment is made. The
34 term "expenditure" shall not include the partial or complete repayment
35 by a candidate or political committee of the principal of a loan, the
36 receipt of which loan has been properly reported.

37 (23) "Final report" means the report described as a final report in
38 RCW 42.17.080(2).

1 (24) "General election" for the purposes of RCW 42.17.640 means the
2 election that results in the election of a person to a state office.
3 It does not include a primary.

4 (25) "Gift," is as defined in RCW 42.52.010.

5 (26) "Immediate family" includes the spouse, dependent children,
6 and other dependent relatives, if living in the household. For the
7 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
8 an individual's spouse, and child, stepchild, grandchild, parent,
9 stepparent, grandparent, brother, half brother, sister, or half sister
10 of the individual and the spouse of any such person and a child,
11 stepchild, grandchild, parent, stepparent, grandparent, brother, half
12 brother, sister, or half sister of the individual's spouse and the
13 spouse of any such person.

14 (27) "Incumbent" means a person who is in present possession of an
15 elected office.

16 (28) "Independent expenditure" means an expenditure that has each
17 of the following elements:

18 (a) It is made in support of or in opposition to a candidate for
19 office by a person who is not (i) a candidate for that office, (ii) an
20 authorized committee of that candidate for that office, (iii) a person
21 who has received the candidate's encouragement or approval to make the
22 expenditure, if the expenditure pays in whole or in part for political
23 advertising supporting that candidate or promoting the defeat of any
24 other candidate or candidates for that office, or (iv) a person with
25 whom the candidate has collaborated for the purpose of making the
26 expenditure, if the expenditure pays in whole or in part for political
27 advertising supporting that candidate or promoting the defeat of any
28 other candidate or candidates for that office;

29 (b) The expenditure pays in whole or in part for political
30 advertising that either specifically names the candidate supported or
31 opposed, or clearly and beyond any doubt identifies the candidate
32 without using the candidate's name; and

33 (c) The expenditure, alone or in conjunction with another
34 expenditure or other expenditures of the same person in support of or
35 opposition to that candidate, has a value of five hundred dollars or
36 more. A series of expenditures, each of which is under five hundred
37 dollars, constitutes one independent expenditure if their cumulative
38 value is five hundred dollars or more.

1 (29)(a) "Intermediary" means an individual who transmits a
2 contribution to a candidate or committee from another person unless the
3 contribution is from the individual's employer, immediate family as
4 defined for purposes of RCW 42.17.640 through 42.17.790, or an
5 association to which the individual belongs.

6 (b) A treasurer or a candidate is not an intermediary for purposes
7 of the committee that the treasurer or candidate serves.

8 (c) A professional fund-raiser is not an intermediary if the fund-
9 raiser is compensated for fund-raising services at the usual and
10 customary rate.

11 (d) A volunteer hosting a fund-raising event at the individual's
12 home is not an intermediary for purposes of that event.

13 (30) "Legislation" means bills, resolutions, motions, amendments,
14 nominations, and other matters pending or proposed in either house of
15 the state legislature, and includes any other matter that may be the
16 subject of action by either house or any committee of the legislature
17 and all bills and resolutions that, having passed both houses, are
18 pending approval by the governor.

19 (31) "Lobby" and "lobbying" each mean attempting to influence the
20 passage or defeat of any legislation by the legislature of the state of
21 Washington, or the adoption or rejection of any rule, standard, rate,
22 or other legislative enactment of any state agency under the state
23 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
24 "lobbying" includes an association's or other organization's act of
25 communicating with the members of that association or organization.

26 (32) "Lobbyist" includes any person who lobbies either in his or
27 her own or another's behalf.

28 (33) "Lobbyist's employer" means the person or persons by whom a
29 lobbyist is employed and all persons by whom he or she is compensated
30 for acting as a lobbyist.

31 (34) "Ministerial functions" means an act or duty carried out as
32 part of the duties of an administrative office without exercise of
33 personal judgment or discretion.

34 (35) "Paid signature gatherer" means an individual who is
35 compensated through payments of money or other valuable consideration,
36 as an independent contractor, to obtain signatures on a state or local
37 initiative, referendum, or recall petition.

1 (36) "Participate" means that, with respect to a particular
2 election, an entity:

3 (a) Makes either a monetary or in-kind contribution to a candidate;

4 (b) Makes an independent expenditure or electioneering
5 communication in support of or opposition to a candidate;

6 (c) Endorses a candidate prior to contributions being made by a
7 subsidiary corporation or local unit with respect to that candidate or
8 that candidate's opponent;

9 (d) Makes a recommendation regarding whether a candidate should be
10 supported or opposed prior to a contribution being made by a subsidiary
11 corporation or local unit with respect to that candidate or that
12 candidate's opponent; or

13 (e) Directly or indirectly collaborates or consults with a
14 subsidiary corporation or local unit on matters relating to the support
15 of or opposition to a candidate, including, but not limited to, the
16 amount of a contribution, when a contribution should be given, and what
17 assistance, services or independent expenditures, or electioneering
18 communications, if any, will be made or should be made in support of or
19 opposition to a candidate.

20 (~~(36)~~) (37) "Person" includes an individual, partnership, joint
21 venture, public or private corporation, association, federal, state, or
22 local governmental entity or agency however constituted, candidate,
23 committee, political committee, political party, executive committee
24 thereof, or any other organization or group of persons, however
25 organized.

26 (~~(37)~~) (38) "Person in interest" means the person who is the
27 subject of a record or any representative designated by that person,
28 except that if that person is under a legal disability, the term
29 "person in interest" means and includes the parent or duly appointed
30 legal representative.

31 (~~(38)~~) (39) "Political advertising" includes any advertising
32 displays, newspaper ads, billboards, signs, brochures, articles,
33 tabloids, flyers, letters, radio or television presentations, or other
34 means of mass communication, used for the purpose of appealing,
35 directly or indirectly, for votes or for financial or other support or
36 opposition in any election campaign.

37 (~~(39)~~) (40) "Political committee" means any person (except a
38 candidate or an individual dealing with his or her own funds or

1 property) having the expectation of receiving contributions or making
2 expenditures in support of, or opposition to, any candidate or any
3 ballot proposition.

4 ~~((40))~~ (41) "Primary" for the purposes of RCW 42.17.640 means the
5 procedure for nominating a candidate to state office under chapter
6 29A.52 RCW or any other primary for an election that uses, in large
7 measure, the procedures established in chapter 29A.52 RCW.

8 ~~((41))~~ (42) "Prime sponsor or sponsors" means the registered
9 voter or voters who complete the affidavit for proposed initiative or
10 referendum or files a recall petition under chapter 29A.56 RCW as well
11 as any persons who hold themselves out publicly as the sponsor of an
12 initiative, referendum, or recall petition.

13 (43) "Public office" means any federal, state, judicial, county,
14 city, town, school district, port district, special district, or other
15 state political subdivision elective office.

16 ~~((42))~~ (44) "Public record" includes any writing containing
17 information relating to the conduct of government or the performance of
18 any governmental or proprietary function prepared, owned, used, or
19 retained by any state or local agency regardless of physical form or
20 characteristics. For the office of the secretary of the senate and the
21 office of the chief clerk of the house of representatives, public
22 records means legislative records as defined in RCW 40.14.100 and also
23 means the following: All budget and financial records; personnel
24 leave, travel, and payroll records; records of legislative sessions;
25 reports submitted to the legislature; and any other record designated
26 a public record by any official action of the senate or the house of
27 representatives.

28 ~~((43))~~ (45) "Recall campaign" means the period of time beginning
29 on the date of the filing of recall charges under RCW 29A.56.120 and
30 ending thirty days after the recall election.

31 ~~((44))~~ (46) "Sponsor of an electioneering communications,
32 independent expenditures, or political advertising" means the person
33 paying for the electioneering communication, independent expenditure,
34 or political advertising. If a person acts as an agent for another or
35 is reimbursed by another for the payment, the original source of the
36 payment is the sponsor.

37 ~~((45))~~ (47) "State legislative office" means the office of a

1 member of the state house of representatives or the office of a member
2 of the state senate.

3 ~~((46))~~ (48) "State office" means state legislative office or the
4 office of governor, lieutenant governor, secretary of state, attorney
5 general, commissioner of public lands, insurance commissioner,
6 superintendent of public instruction, state auditor, or state
7 treasurer.

8 ~~((47))~~ (49) "State official" means a person who holds a state
9 office.

10 ~~((48))~~ (50) "Surplus funds" mean, in the case of a political
11 committee or candidate, the balance of contributions that remain in the
12 possession or control of that committee or candidate subsequent to the
13 election for which the contributions were received, and that are in
14 excess of the amount necessary to pay remaining debts incurred by the
15 committee or candidate prior to that election. In the case of a
16 continuing political committee, "surplus funds" mean those
17 contributions remaining in the possession or control of the committee
18 that are in excess of the amount necessary to pay all remaining debts
19 when it makes its final report under RCW 42.17.065.

20 ~~((49))~~ (51) "Writing" means handwriting, typewriting, printing,
21 photostating, photographing, and every other means of recording any
22 form of communication or representation, including, but not limited to,
23 letters, words, pictures, sounds, or symbols, or combination thereof,
24 and all papers, maps, magnetic or paper tapes, photographic films and
25 prints, motion picture, film and video recordings, magnetic or punched
26 cards, discs, drums, diskettes, sound recordings, and other documents
27 including existing data compilations from which information may be
28 obtained or translated.

29 As used in this chapter, the singular shall take the plural and any
30 gender, the other, as the context requires.

31 NEW SECTION. **Sec. 2.** (1) Registration with the commission is
32 required for:

- 33 (a) All businesses operating in this state engaged in the activity
34 of collecting signatures for state or local initiative, referendum, or
35 recall petitions and that are using paid signature gatherers; and
36 (b) All paid signature gatherers.

37 (2) Registration is valid for:

1 (a) Only one state or local initiative, referendum, or recall
2 petition in the case of a paid signature gatherer. In the event a paid
3 signature gatherer is gathering signatures for more than one state or
4 local initiative, referendum, or recall petition, registration and a
5 separate registration number is required for each petition. The
6 commission shall provide each registered signature gatherer with an
7 individual registration number for each state or local initiative,
8 referendum, or recall petition on which signatures will be gathered;
9 and

10 (b) One calendar year in the case of a business operating in this
11 state engaged in the activity of collecting signatures for state or
12 local initiative, referendum, or recall petitions and that are using
13 paid signature gatherers. In the event that a business becomes
14 involved with the collection of signatures for any state or local
15 initiative, referendum, or recall petitions that are using paid
16 signature gatherers that were not listed on their original registration
17 for that calendar year, the business must notify the commission within
18 five working days of becoming involved in the new petition.

19 (3) To register with the commission, a paid signature gatherer must
20 provide:

21 (a) His or her full name and assumed name, if any;

22 (b) The street address of his or her permanent residence;

23 (c) His or her signature;

24 (d) A list of the state or local initiative, referendum, or recall
25 petitions on which the paid signature gatherer will gather signatures;

26 (e) A signed statement attesting that the paid signature gatherer:

27 (i) Has not been convicted of a criminal offense involving fraud,
28 forgery, or identification theft within the past five years; (ii) has
29 not been convicted of a crime under chapter 29A.84 RCW, or its
30 equivalent in another jurisdiction, in the past five years; (iii) has
31 not been found in violation of elections law under chapter 29A.84 RCW,
32 or its equivalent in another jurisdiction, in the past five years; and
33 (iv) is not a convicted sex offender;

34 (f) A signed statement acknowledging that the paid signature
35 gatherer has read and understands Washington law applicable to the
36 gathering of signatures on state or local initiative, referendum, or
37 recall petitions;

1 (g) Evidence indicating that the paid signature gatherer has
2 completed the training required under section 7 of this act;

3 (h) A conventional photograph showing the paid signature gatherer's
4 head, neck, and shoulders, and is appropriate for copying and
5 processing by the commission; and

6 (i) A statement signed by a prime sponsor or sponsors of each state
7 or local initiative, referendum, or recall petition upon which the paid
8 signature gatherer will gather signatures acknowledging that the prime
9 sponsor is liable for violations of law or rule committed by the paid
10 signature gatherer obtaining signatures as provided in RCW 29A.84.220
11 and 29A.84.250.

12 (4) To register with the commission, a business operating in this
13 state engaged in the activity of collecting signatures for state or
14 local initiative, referendum, or recall petitions that is using paid
15 signature gatherers must provide:

16 (a) The name of the business as registered with the applicable
17 state agency depending on the business structure, which may include the
18 department of revenue, the secretary of state, or the department of
19 licensing, as well as any other names under which the business is doing
20 business or any trade names;

21 (b) The street address of the main office in the state, the mailing
22 address, if different, the office phone number, and the business e-mail
23 address, if any. If the business is operated out of a residence, the
24 residence shall be considered the main office for the purposes of this
25 subsection;

26 (c) The full name of the business owner or owners and any assumed
27 names;

28 (d) A signature of the business owner or owners;

29 (e) A signed statement attesting that the business owner or owners:

30 (i) Have not been convicted of a criminal offense involving fraud,
31 forgery, or identification theft within the past five years; (ii) have
32 not been convicted of a crime under chapter 29A.84 RCW, or its
33 equivalent in another jurisdiction, in the past five years; (iii) have
34 not been found in violation of elections law under chapter 29A.84 RCW,
35 or its equivalent in another jurisdiction, in the past five years; and
36 (iv) are not convicted sex offenders;

37 (f) A list of the state or local initiative, referendum, or recall

1 petitions on which the business will be involved with the gathering of
2 signatures;

3 (g) A signed statement acknowledging the business owner or owners
4 have read and understand Washington law applicable to the gathering of
5 signatures on state or local initiative, referendum, or recall
6 petitions;

7 (h) A statement signed by the prime sponsor or sponsors of each
8 state or local initiative, referendum, or recall petition for which the
9 business will be involved with the gathering of signatures that the
10 prime sponsor will be liable for violations of law or rule committed by
11 the business owner or owners as provided in RCW 29A.84.220 and
12 29A.84.250;

13 (i) Evidence indicating that the business owner or owners completed
14 the training required under section 7 of this act; and

15 (j) A conventional photograph showing the paid signature gatherer's
16 head, neck, and shoulders, and is appropriate for copying and
17 processing by the commission.

18 (5) A person, including a business owner, is ineligible for
19 registration under this section if he or she: (a) Has been convicted
20 of a criminal offense involving fraud, forgery, or identification theft
21 in any jurisdiction within the past five years; (b) has been convicted
22 of a crime under chapter 29A.84 RCW, or its equivalent in another
23 jurisdiction, in the past five years; (c) has been found in violation
24 of elections law under chapter 29A.84 RCW, or its equivalent in another
25 jurisdiction, in the past five years; or (d) is a convicted sex
26 offender.

27 (6) When gathering signatures, a paid signature gatherer must carry
28 on his or her person evidence of registration including the paid
29 signature gatherer's photograph and registration number. If requested,
30 the paid signature gatherer shall produce the evidence of registration.

31 NEW SECTION. **Sec. 3.** The commission shall adopt rules necessary
32 to implement sections 2 and 5 of this act, including rules establishing
33 procedures for registering persons who may be paid money or other
34 valuable consideration for obtaining signatures of electors on state or
35 local initiative, referendum, or recall petitions.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.72 RCW
2 to read as follows:

3 If a person receives money or other valuable consideration for
4 obtaining signatures of electors on a state or local initiative,
5 referendum, or recall petition, and the paid signature gatherer was not
6 registered as required by section 2 of this act at the time the
7 signatures were obtained, the signatures shall not be counted for
8 purposes of determining whether the state or local initiative,
9 referendum, or recall petition contains the required number of
10 signatures of electors.

11 NEW SECTION. **Sec. 5.** (1) A registered paid signature gatherer who
12 knowingly submits an invalid signature will have his or her
13 registration number revoked and he or she is prohibited from
14 registering for five years from the date of the commission's revocation
15 order. This subsection applies when:

16 (a) The paid signature gatherer provides a petition that contains
17 an invalid signature as determined by the secretary of state; and

18 (b) The commission determines that the signature was obtained by
19 that paid signature gatherer and the paid signature gatherer knew or
20 should have known the signature was invalid. However, this subsection
21 does not apply when the paid signature gatherer had no knowledge or
22 reason to know that the signature was invalid including, but not
23 limited to, the paid signature gatherer did not know and had no reason
24 to know the signature was a duplicate, that the person's signature had
25 changed over time and no longer matched the signature on file with the
26 relevant election official, that the person had moved to a new
27 residence but failed to update his or her voter registration form
28 before signing the petition, and the signature did not match a valid
29 registered voter in Washington.

30 (2) When the commission is informed that a registered paid
31 signature gatherer has been convicted of any of the crimes described in
32 (a) through (d) of this subsection, or the commission makes a finding
33 under (e) of this subsection, the paid signature gatherer will have his
34 or her registration number revoked and he or she is prohibited from
35 applying for future registrations for five years from the date of the
36 commission's revocation order. This subsection applies to a paid
37 signature gatherer who:

1 (a) Has been convicted of violating RCW 9.44.080 or 9A.46.020;

2 (b) Has been convicted of violating a provision of chapter 29A.84
3 RCW or the felonies or misdemeanors referenced therein;

4 (c) Has been convicted of any other election-related crime in any
5 state or federal court;

6 (d) Has been convicted in any state or federal court of a criminal
7 offense involving fraud, forgery, or identification theft; or

8 (e) Has been determined by the commission to have submitted false
9 information on his or her registration application.

10 (3) When the commission is informed that a paid signature gatherer
11 has been convicted of any sex offense, he or she will have his or her
12 registration number permanently revoked and he or she is prohibited
13 from applying for or obtaining future registrations.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.72 RCW
15 to read as follows:

16 The failure to register under section 2 of this act by a business
17 operating in this state engaged in the activity of collecting
18 signatures for state or local initiative, referendum, or recall
19 petitions using paid signature gatherers will result in the
20 invalidation of any signatures gathered by the business and its paid
21 signature gatherers and will be subject to penalties of up to ten
22 thousand dollars.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.72 RCW
24 to read as follows:

25 The secretary of state shall provide the required training for paid
26 signature gatherers and the businesses operating in this state engaged
27 in the activity of collecting signatures for state or local initiative,
28 referendum, or recall petitions and that are using paid signature
29 gatherers. The training shall be provided via the internet.

30 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.72 RCW
31 to read as follows:

32 The definitions in this section apply to sections 4, 6, and 7 of
33 this act:

34 (1) "Paid signature gatherer" means an individual who is

1 compensated through payments of money or other valuable consideration,
2 as an independent contractor, to obtain signatures on a state or local
3 initiative, referendum, or recall petition.

4 (2) "Prime sponsor or sponsors" means the registered voter or
5 voters who complete the affidavit for proposed initiative or referendum
6 or files a recall petition under chapter 29A.56 RCW as well as any
7 persons who hold themselves out publicly as the sponsor of an
8 initiative, referendum, or recall petition.

9 (3) "Volunteer signature gatherer" means an individual who is not
10 compensated through payments of money or other valuable consideration
11 to obtain signatures on a state or local initiative, referendum, or
12 recall petition and is not required to register under sections 2
13 through 7 of this act.

14 NEW SECTION. **Sec. 9.** Sections 2 through 7 of this act do not
15 apply to individuals who volunteer to engage in the activity of
16 collecting signatures for state or local initiative, referendum, or
17 recall petitions.

18 **Sec. 10.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to
19 read as follows:

20 Petitions for proposing measures for submission to the legislature
21 at its next regular session must be substantially in the following
22 form:

23 The warning prescribed by RCW 29A.72.140; followed by:

24 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

25 To the Honorable, Secretary of State of the State of
26 Washington:

27 We, the undersigned citizens and legal voters of the State of
28 Washington, respectfully direct that this petition and the proposed
29 measure known as Initiative Measure No. and entitled (here set
30 forth the established ballot title of the measure), a full, true, and
31 correct copy of which is printed on the reverse side of this petition,
32 be transmitted to the legislature of the State of Washington at its
33 next ensuing regular session, and we respectfully petition the
34 legislature to enact said proposed measure into law; and each of us for
35 himself or herself says: I have personally signed this petition; I am

1 a legal voter of the State of Washington in the city (or town) and
2 county written after my name, my residence address is correctly stated,
3 and I have knowingly signed this petition only once.

4 The petition must include a place for each petitioner to sign and
5 print his or her name, and the address, city, and county at which he or
6 she is registered to vote.

7 The following declaration must be printed on the reverse side of
8 the petition, and must be signed by the signature gatherer who
9 circulated the petition sheet after the sheet has been signed by
10 petitioners but before the petition is submitted to the secretary of
11 state:

12 I,, swear or affirm under penalty of law
13 that I circulated this sheet of the foregoing petition, and that, to
14 the best of my knowledge, every person who signed this sheet of the
15 foregoing petition knowingly and without any compensation or promise of
16 compensation willingly signed his or her true name and that the
17 information provided therewith is true and correct. I further
18 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
19 this petition constitutes a class C felony, and that offering any
20 consideration or gratuity to any person to induce them to sign a
21 petition is a gross misdemeanor, such violations being punishable by
22 fine or imprisonment or both.

23 Signature _____
24 Date of Signature _____
25 Print Name _____
26 Print Street Address _____
27 Print City, State, Zip Code _____

28 Signing this declaration constitutes an oath subjecting the
29 signatory to the penalty of the law. The declaration must be
30 individually signed by the signature gatherer. Stamps or other
31 signature reproductions may not be used.

32 RCW 9A.46.020 applies to any conduct constituting harassment
33 against a petition signature gatherer. This penalty does not preclude
34 the victim from seeking any other remedy otherwise available under law.

35 ~~((The petition must include a place for each petitioner to sign and~~

1 ~~print his or her name, and the address, city, and county at which he or~~
2 ~~she is registered to vote.))~~

3 **Sec. 11.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to
4 read as follows:

5 Petitions for proposing measures for submission to the people for
6 their approval or rejection at the next ensuing general election must
7 be substantially in the following form:

8 The warning prescribed by RCW 29A.72.140; followed by:

9 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

10 To the Honorable, Secretary of State of the State of
11 Washington:

12 We, the undersigned citizens and legal voters of the State of
13 Washington, respectfully direct that the proposed measure known as
14 Initiative Measure No., entitled (here insert the established
15 ballot title of the measure), a full, true and correct copy of which is
16 printed on the reverse side of this petition, be submitted to the legal
17 voters of the State of Washington for their approval or rejection at
18 the general election to be held on the day of November,
19 (year); and each of us for himself or herself says: I have personally
20 signed this petition; I am a legal voter of the State of Washington, in
21 the city (or town) and county written after my name, my residence
22 address is correctly stated, and I have knowingly signed this petition
23 only once.

24 The petition must include a place for each petitioner to sign and
25 print his or her name, and the address, city, and county at which he or
26 she is registered to vote.

27 The following declaration must be printed on the reverse side of
28 the petition, and must be signed by the signature gatherer who
29 circulated the petition sheet after the sheet has been signed by
30 petitioners but before the petition is submitted to the secretary of
31 state:

32 I,, swear or affirm under penalty of law
33 that I circulated this sheet of the foregoing petition, and that, to
34 the best of my knowledge, every person who signed this sheet of the
35 foregoing petition knowingly and without any compensation or promise of
36 compensation willingly signed his or her true name and that the

1 information provided therewith is true and correct. I further
2 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
3 this petition constitutes a class C felony, and that offering any
4 consideration or gratuity to any person to induce them to sign a
5 petition is a gross misdemeanor, such violations being punishable by
6 fine or imprisonment or both.

7
8 Signature
9 Date of Signature
10 Print Name
11 Print Street Address
12 Print City, State, Zip Code

13 Signing this declaration constitutes an oath subjecting the
14 signatory to the penalty of the law. The declaration must be
15 individually signed by the signature gatherer. Stamps or other
16 signature reproductions may not be used.

17 RCW 9A.46.020 applies to any conduct constituting harassment
18 against a petition signature gatherer. This penalty does not preclude
19 the victim from seeking any other remedy otherwise available under law.

20 ~~((The petition must include a place for each petitioner to sign and~~
21 ~~print his or her name, and the address, city, and county at which he or~~
22 ~~she is registered to vote.))~~

23 **Sec. 12.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to
24 read as follows:

25 Petitions ordering that acts or parts of acts passed by the
26 legislature be referred to the people at the next ensuing general
27 election, or special election ordered by the legislature, must be
28 substantially in the following form:

29 The warning prescribed by RCW 29A.72.140; followed by:

30 PETITION FOR REFERENDUM

31 To the Honorable, Secretary of State of the State of
32 Washington:

33 We, the undersigned citizens and legal voters of the State of
34 Washington, respectfully order and direct that Referendum Measure No.

1, filed to revoke a (or part or parts of a) bill that (concise
2 statement required by RCW 29A.36.071) and that was passed by the
3 legislature of the State of Washington at the last regular
4 (special) session of said legislature, shall be referred to the people
5 of the state for their approval or rejection at the regular (special)
6 election to be held on the day of November, (year); and each of
7 us for himself or herself says: I have personally signed this
8 petition; I am a legal voter of the State of Washington, in the city
9 (or town) and county written after my name, my residence address is
10 correctly stated, and I have knowingly signed this petition only once.

11 The petition must include a place for each petitioner to sign and
12 print his or her name, and the address, city, and county at which he or
13 she is registered to vote.

14 The following declaration must be printed on the reverse side of
15 the petition, and must be signed by the signature gatherer who
16 circulated the petition sheet after the sheet has been signed by
17 petitioners but before the petition is submitted to the secretary of
18 state:

19 I,, swear or affirm under penalty of law
20 that I circulated this sheet of the foregoing petition, and that, to
21 the best of my knowledge, every person who signed this sheet of the
22 foregoing petition knowingly and without any compensation or promise of
23 compensation willingly signed his or her true name and that the
24 information provided therewith is true and correct. I further
25 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
26 this petition constitutes a class C felony, and that offering any
27 consideration or gratuity to any person to induce them to sign a
28 petition is a gross misdemeanor, such violations being punishable by
29 fine or imprisonment or both.

30 Signature _____
31 Date of Signature _____
32 Print Name _____
33 Print Street Address _____
34 Print City, State, Zip Code _____

35 Signing this declaration constitutes an oath subjecting the

1 signatory to the penalty of the law. The declaration must be
2 individually signed by the signature gatherer. Stamps or other
3 signature reproductions may not be used.

4 RCW 9A.46.020 applies to any conduct constituting harassment
5 against a petition signature gatherer. This penalty does not preclude
6 the victim from seeking any other remedy otherwise available under law.

7 ~~((The petition must include a place for each petitioner to sign and~~
8 ~~print his or her name, and the address, city, and county at which he or~~
9 ~~she is registered to vote.))~~

10 NEW SECTION. Sec. 13. A new section is added to chapter 29A.72
11 RCW to read as follows:

12 A prime sponsor or sponsors of an initiative or referendum petition
13 must check each petition sheet to ensure the declaration required in
14 RCW 29A.72.110, 29A.72.120, or 29A.72.130 is signed by the signature
15 gatherer and must sign an affidavit attesting he or she verified that
16 the declaration on each petition sheet submitted to the secretary of
17 state has been completed and signed. The affidavit must accompany the
18 petition at the time of filing with the secretary of state.

19 **Sec. 14.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to
20 read as follows:

21 The secretary of state (~~may~~) shall refuse to file any initiative
22 or referendum petition being submitted upon any of the following
23 grounds:

24 (1) That the petition does not contain the information required by
25 RCW 29A.72.110, 29A.72.120, or 29A.72.130.

26 (2) That the petition clearly bears insufficient signatures.

27 (3) That the time within which the petition may be filed has
28 expired.

29 (4) That the declaration printed on the reverse side of the
30 petition sheet has not been properly signed and dated with a printed
31 name and address of the signature gatherer.

32 In case of such refusal, the secretary of state shall endorse on
33 the petition the word "submitted" and the date, and retain the petition
34 pending appeal.

35 If none of the grounds for refusal exists, the secretary of state
36 must accept and file the petition.

1 NEW SECTION. **Sec. 15.** Sections 2, 3, 5, and 9 of this act are
2 each added to chapter 42.17 RCW.

3 NEW SECTION. **Sec. 16.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 17.** This act takes effect January 1, 2009.

8 NEW SECTION. **Sec. 18.** If specific funding for the purposes of
9 this act, referencing this act by bill or chapter number, is not
10 provided by June 30, 2008, in the omnibus appropriations act, this act
11 is null and void.

--- END ---