

# HOUSE BILL REPORT

## SHB 2397

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**As Passed House:**  
February 13, 2010

**Title:** An act relating to gathering signatures for an initiative or referendum at stand alone stores and retail stores that are located in commercial retail complexes.

**Brief Description:** Addressing the distance requirements for gathering signatures for an initiative or referendum at stand alone stores and retail stores that are located in commercial retail complexes.

**Sponsors:** House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Moeller, Kretz, Dickerson, Schmick, Blake, Kristiansen, Driscoll, Armstrong, Liias, Dunshee, Hudgins, Eddy, Morris, Chase, Simpson, Kenney, Warnick, Ormsby and Hope).

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 1/28/10, 1/29/10, 2/2/10 [DPS].

**Floor Activity:**

Passed House: 2/13/10, 82-12.

**Brief Summary of Substitute Bill**

- Prohibits signature gatherers for an initiative or referendum petition from being within 15 feet from entrances and exits of stand-alone stores or retail stores that are located in commercial retail complexes.
- Allows property owners to give permission for signature gatherers to be closer than 15 feet.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst and Taylor.

**Minority Report:** Do not pass. Signed by 1 member: Representative Miloscia.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Tracey O'Brien (786-7196).

**Background:**

The Legislature adopted processes for initiative and referendum in 1912. The law as enacted allows:

- Initiatives to the People, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted for a vote of the people at the next state general election;
- Initiatives to the Legislature, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted to the Legislature at its next regular session;
- Referendum Measures, where laws recently passed by the Legislature are placed on the ballot after certification of petitions signed by registered voters; and
- Referendum Bills, where voters adopt laws proposed by the Legislature.

Under the state Constitution, initiative petitions require signatures from 8 percent of the total number of votes cast for the office of Governor at the last regular gubernatorial election; referendum petitions require 4 percent.

**Summary of Substitute Bill:**

Any person who is gathering signatures for an initiative or referendum petition is prohibited from doing so within a presumptively reasonable minimum 15 feet from entrances and exits that serve stand-alone stores or retail stores that are located within commercial retail complexes. A property owner may grant permission for signature gatherers to be closer than 15 feet.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a property rights bill and does not impact initiative rights. It is a reasonable compromise to allow businesses to run a business and prevent the harassment of shoppers. Too often signature gatherers can be aggressive and this impacts a business. The point is to keep the entrances and exits clear while still allowing signature gathering to occur. The only recourse a store has currently is to call law enforcement to deal with a signature gatherer who is impeding business or to shut the premises to all forms of activities, including nonprofits and cookie sales. This bill provides a clear guideline for all parties involved and assists the initiative and referendum process.

(Opposed) This bill treats signature gatherers like smokers. Even 15 feet is too far. In addition, this bill is unconstitutional. Big box stores are public forums and cannot censor

free speech. Most petition gatherers ask permission from the property owner to solicit signatures and if they do not get permission, the signature gatherer does not stay. This bill would eliminate the discretion of an owner to deny permission to gather signatures and requires that they let a signature gatherer collect signatures regardless of the property owner's wishes. Nothing in this bill improves the integrity of the initiative and referendum process. There are other laws that deal with harassment—trust adults to hear and differentiate between conflicting messages.

**Persons Testifying:** (In support) Representative Moeller, prime sponsor; Steve Gano, WalMart; Holly Chisa, Northwest Grocery Association; and Carolyn Lougue, Independent Food Industry.

(Opposed) Tim Eyman, Save the 2/3's Vote for Tax Increases; Monte Benham, WeThePeopleOfWa.org; Chris Bass, Freedominitiatives.com; Steve Zemke, King County Democrats; and Shankar Narayan, American Civil Liberties Union of Washington.

**Persons Signed In To Testify But Not Testifying:** None.