

# HOUSE BILL REPORT

## HB 2614

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**As Reported by House Committee On:**  
State Government & Tribal Affairs  
General Government Appropriations

**Title:** An act relating to signature gathering.

**Brief Description:** Concerning signature gathering.

**Sponsors:** Representatives Hunt, Liias, Carlyle, Flannigan and White.

**Brief History:**

**Committee Activity:**

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

General Government Appropriations: 2/4/10 [DPS(w/o sub SGTA)].

**Brief Summary of Substitute Bill**

- Requires signature gatherers to sign the statutorily required declaration on each petition sheet for a referendum or initiative.
- Prohibits submission of any petition page to the Secretary of State that does not have the required declaration actually being signed by the signature gatherer.

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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 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan, Hurst and Miloscia.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

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

**Background:**

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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.*

Initiative and Referendum in Washington.

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.

The required form of initiative and referendum petitions is set forth in statute. First, a petition for initiative or referendum must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

It also must include a warning as well as language that each petition signer: has personally signed the petition; is a legal voter in Washington; verifies that his or her residence address is correctly stated; and has knowingly only signed the petition once. In addition, there is a declaration that states:

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

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**Summary of Substitute Bill:**

The declaration must be signed by the signature gatherer who circulated the petition sheet after the sheet has been signed by the petitioners but before the petition is submitted to the Secretary of State (SOS). Additional lines will be added following the declaration for the signature gatherer's signature, date of signature, printed name, printed street address and printed city, state, and zip code. Additional language is added that signing this declaration constitutes an oath subjecting the signatory to the penalty of law. The declaration must be individually signed by the signature gatherer and stamps or other signature reproductions may not be used. The SOS must manually verify and canvass all voter signatures on any

petition page submitted without the required declaration actually being signed by the signature gatherer.

**Substitute Bill Compared to Original Bill:**

The substitute bill requires the SOS to manually verify and canvass all voter signatures on any petition page submitted without the required declaration being signed by the signature gatherer.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) There is great concern about the changing nature of the initiative and referendum process. In the past, it was a grassroots effort; however, paid signature gathering has become quite a business. Paid signature gatherers go from state to state and are often unfamiliar with our laws. They are often paid by the volume of signatures submitted and this creates great incentive for fraud. Our system is outdated and lacks accountability. This bill does not impede paid signature gatherer efforts from qualifying for the ballot. It merely provides much needed accountability.

(Opposed) Unions, who are anti-paid signature gatherers, are behind this bill. There are no allegations of fraud by paid signature gatherers in Washington. We have laws already on the books to deal with this and more regulation hampers the initiative and referendum process.

In point: Several years ago the Legislature added the declaration to the petition; however, an Attorney General Opinion and a court have both found the law to be ambiguous as to whether a signature is required. The presence of the declaration is currently confusing. The Legislature needs to repeal the declaration or actually require that it be signed.

**Persons Testifying:** (In support) Representative Hunt, prime sponsor; Kristina Logsdon, Ballot Initiative Network; Lewis Granofsky, Fieldworks; and Joanie Deutsch, Office of the Secretary of State.

(Opposed) Tim Eyman, Save the 2/3's Vote for Tax Increases; Monte Benham, WeThePeopleOfWa.org; Chris Bass, Freedominitiatives.com; and Edward Agazarm, Citizen Solutions.

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

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**HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by 10 members: Representatives Darneille, Chair; Takko, Vice Chair; Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Van De Wege and Williams.

**Minority Report:** Do not pass. Signed by 5 members: Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Crouse, Klippert and Short.

**Staff:** Charlie Gavigan (786-7340).

**Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On State Government & Tribal Affairs:**

The second substitute bill prohibits a petition sponsor or organization from submitting petition sheets with the signature gatherer declaration unsigned (thereby also removing the requirement that the Secretary of State validate all signatures on an unsigned petition declaration).

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) None.

(Opposed) Requiring the Secretary of State to verify signatures on all petitions that don't have the required signed declaration by the signature gatherer would likely result in the agency having to check all signatures on an initiative or referendum instead of randomly checking signatures. This would significantly increase the costs. A better approach would be to prohibit the submission of petitions with unsigned signature gatherer declarations. This approach would also better clarify ambiguities in this area.

**Persons Testifying:** Katie Blinn, Office of the Secretary of State.

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