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**State Government & Tribal Affairs**  
**Committee**

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**ESB 6754**

**Brief Description:** Making the names and addresses of persons signing initiative or referendum petitions public records.

**Sponsors:** Senators McDermott, Fairley, Kohl-Welles and Kline.

**Brief Summary of Engrossed Bill**

- States that names and addresses on signature petitions for initiatives and referenda are public records.
- Requires that a statement be printed on signature petitions notifying signers that petitions are public documents.

**Hearing Date:** 2/23/10

**Staff:** Marsha Reilly (786-7135).

**Background:**

Initiatives and Referendums.

Article II, section 1 of the state Constitution grants legislative powers to the people to enact bills and laws through the initiative process, and to approve or reject a part of or all of any bill, act, or law passed by the Legislature through the referendum process. Any legal voter may file with the Secretary of State (Secretary) an initiative to the people, an initiative to the Legislature, or a referendum.

The number of valid signatures necessary for an initiative to the people to qualify for the ballot is 8 percent of the votes cast for Governor at the last gubernatorial election, and the signed petitions must be filed with the Secretary in early July, at least four months prior to the general election. The number of valid signatures necessary for an initiative to the Legislature is also 8 percent, and the signed petitions must be filed at least 10 days before the start of the regular session. The

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number of signatures required for a referendum is 4 percent, and the petitions must be filed within 90 days of the end of session.

Upon submittal of an initiative or referendum, the Secretary must verify and canvass the names of the legal voters on the petition.

#### Referendum 71.

In September 2009, Referendum 71 (Referendum) was approved for the ballot. The Referendum was filed to allow the voters to approve or reject Senate Bill 5688 expanding the rights of registered domestic partners. Opponents of the Referendum filed a lawsuit in federal court to prevent the release of the signature petitions citing that releasing the identity of the petition signers might put those signers at risk of harassment and, as a result, would chill their First Amendment rights. A preliminary injunction on release of the petitions was issued on September 10, 2009, and then overturned by a 9th Circuit Court of Appeals on October 15, 2009. On October 20, 2009, an appeal was made to the U.S. Supreme Court. The U.S. Supreme Court reinstated the district court's preliminary injunction and recently set a hearing for April 28, 2010.

#### Public Records Act.

The Public Records Act was approved by voters in 1972 as part of Initiative 276. All public records of state agencies and local governments are open to public inspection and copying unless the record is expressly exempted by law. This disclosure requirement is liberally construed and any exception is narrowly constructed. There is no specific privacy exemption. A person's right to privacy is invaded or violated only if disclosure of that person's information would be highly offensive to a reasonable person and is not of legitimate concern to the public.

#### **Summary of Bill:**

The names, addresses, and signatures of persons who sign initiative or referendum petitions are public records and may be made available for public inspection and copying. Signature petitions must include the following statement: "Signature petitions are public documents. By signing this document, your name, address, and signature may be released as part of a public records request."

**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.