
SENATE BILL 5297

State of Washington

62nd Legislature

2011 Regular Session

By Senators Nelson, Conway, Harper, Chase, White, Kohl-Welles, Kline, Keiser, Prentice, and Shin

Read first time 01/20/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to signature gathering; amending RCW 29A.72.010,
2 29A.72.110, 29A.72.120, and 29A.72.130; reenacting and amending RCW
3 42.17A.005; adding new sections to chapter 42.17A 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 NEW SECTION. **Sec. 1.** The legislature finds that between the years
8 2000 and 2005, three hundred twenty-six initiatives were filed with the
9 secretary of state's office and twenty-one initiatives were certified
10 to the ballot. Each initiative filed requires the state to invest, at
11 a minimum, the time and resources to process the filed initiative in
12 the secretary of state's office and allow the code reviser to review
13 draft initiatives for errors, review for potential conflict with
14 existing statutes, and prepare a certificate of review for the
15 initiative sponsor. Additionally, the secretary of state's office
16 assigns a serial number to all initiatives and forwards the initiative
17 to the attorney general for formulation of the ballot title and
18 summary. After an initiative sponsor obtains and submits signatures,
19 the secretary of state must check the signatures to ascertain whether

1 there are sufficient signatures to qualify the measure for the ballot.
2 The legislature finds that the current initiative filing fee of five
3 dollars, which was set decades ago, is insufficient to offset the
4 administrative costs involved in the initiative process. Therefore, to
5 more adequately provide for the administrative costs involved in the
6 initiative process, it is the intent of the legislature to increase the
7 initiative filing fee. The filing fee shall be refunded in part upon
8 the initiative being certified by the secretary of state for the
9 general election ballot.

10 **Sec. 2.** RCW 42.17A.005 and 2010 c 204 s 101 are each reenacted and
11 amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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

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

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

27 (4) "Ballot proposition" means any "measure" as defined by RCW
28 29A.04.091, or any initiative, recall, or referendum proposition
29 proposed to be submitted to the voters of the state or any municipal
30 corporation, political subdivision, or other voting constituency from
31 and after the time when the proposition has been initially filed with
32 the appropriate election officer of that constituency before its
33 circulation for signatures.

34 (5) "Benefit" means a commercial, proprietary, financial, economic,
35 or monetary advantage, or the avoidance of a commercial, proprietary,
36 financial, economic, or monetary disadvantage.

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

1 (a) An organization that has been recognized as a minor political
2 party by the secretary of state;

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

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

10 (7) "Candidate" means any individual who seeks nomination for
11 election or election to public office. An individual seeks nomination
12 or election when he or she first:

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

15 (b) Announces publicly or files for office;

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

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

20 (8) "Caucus political committee" means a political committee
21 organized and maintained by the members of a major political party in
22 the state senate or state house of representatives.

23 (9) "Circulator" means an individual who is a paid or volunteer
24 signature gatherer who obtains the signatures of voters on petitions.
25 A "circulator" does not include a person who only submits the signed
26 petitions to the secretary of state.

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

33 ~~((+10+))~~ (11) "Commission" means the agency established under RCW
34 42.17A.100.

35 ~~((+11+))~~ (12) "Compensation" unless the context requires a narrower
36 meaning, includes payment in any form for real or personal property or
37 services of any kind. For the purpose of compliance with RCW
38 42.17A.710, "compensation" does not include per diem allowances or

1 other payments made by a governmental entity to reimburse a public
2 official for expenses incurred while the official is engaged in the
3 official business of the governmental entity.

4 ~~((+12))~~ (13) "Continuing political committee" means a political
5 committee that is an organization of continuing existence not
6 established in anticipation of any particular election campaign.

7 ~~((+13))~~ (14)(a) "Contribution" includes:

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

12 (ii) An expenditure made by a person in cooperation, consultation,
13 or concert with, or at the request or suggestion of, a candidate, a
14 political committee, the person or persons named on the candidate's or
15 committee's registration form who direct expenditures on behalf of the
16 candidate or committee, or their agents;

17 (iii) The financing by a person of the dissemination, distribution,
18 or republication, in whole or in part, of broadcast, written, graphic,
19 or other form of political advertising or electioneering communication
20 prepared by a candidate, a political committee, or its authorized
21 agent;

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

25 (b) "Contribution" does not include:

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

28 (ii) Ordinary home hospitality;

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

32 (iv) A news item, feature, commentary, or editorial in a regularly
33 scheduled news medium that is of primary interest to the general
34 public, that is in a news medium controlled by a person whose business
35 is that news medium, and that is not controlled by a candidate or a
36 political committee;

37 (v) An internal political communication primarily limited to the
38 members of or contributors to a political party organization or

1 political committee, or to the officers, management staff, or
2 stockholders of a corporation or similar enterprise, or to the members
3 of a labor organization or other membership organization;

4 (vi) The rendering of personal services of the sort commonly
5 performed by volunteer campaign workers, or incidental expenses
6 personally incurred by volunteer campaign workers not in excess of
7 fifty dollars personally paid for by the worker. "Volunteer services,"
8 for the purposes of this subsection, means services or labor for which
9 the individual is not compensated by any person;

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

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

17 (A) A political party or caucus political committee if the person
18 paying for the services is the regular employer of the person rendering
19 such services; or

20 (B) A candidate or an authorized committee if the person paying for
21 the services is the regular employer of the individual rendering the
22 services and if the services are solely for the purpose of ensuring
23 compliance with state election or public disclosure laws; or

24 (ix) The performance of ministerial functions by a person on behalf
25 of two or more candidates or political committees either as volunteer
26 services defined in (b)(vi) of this subsection or for payment by the
27 candidate or political committee for whom the services are performed as
28 long as:

29 (A) The person performs solely ministerial functions;

30 (B) A person who is paid by two or more candidates or political
31 committees is identified by the candidates and political committees on
32 whose behalf services are performed as part of their respective
33 statements of organization under RCW 42.17A.205; and

34 (C) The person does not disclose, except as required by law, any
35 information regarding a candidate's or committee's plans, projects,
36 activities, or needs, or regarding a candidate's or committee's
37 contributions or expenditures that is not already publicly available

1 from campaign reports filed with the commission, or otherwise engage in
2 activity that constitutes a contribution under (a)(ii) of this
3 subsection.

4 A person who performs ministerial functions under this subsection
5 (~~((+13+))~~) (14)(b)(ix) is not considered an agent of the candidate or
6 committee as long as he or she has no authority to authorize
7 expenditures or make decisions on behalf of the candidate or committee.

8 (c) Contributions other than money or its equivalent are deemed to
9 have a monetary value equivalent to the fair market value of the
10 contribution. Services or property or rights furnished at less than
11 their fair market value for the purpose of assisting any candidate or
12 political committee are deemed a contribution. Such a contribution
13 must be reported as an in-kind contribution at its fair market value
14 and counts towards any applicable contribution limit of the provider.

15 (~~((+14+))~~) (15) "Depository" means a bank, mutual savings bank,
16 savings and loan association, or credit union doing business in this
17 state.

18 (~~((+15+))~~) (16) "Elected official" means any person elected at a
19 general or special election to any public office, and any person
20 appointed to fill a vacancy in any such office.

21 (~~((+16+))~~) (17) "Election" includes any primary, general, or special
22 election for public office and any election in which a ballot
23 proposition is submitted to the voters. An election in which the
24 qualifications for voting include other than those requirements set
25 forth in Article VI, section 1 (Amendment 63) of the Constitution of
26 the state of Washington shall not be considered an election for
27 purposes of this chapter.

28 (~~((+17+))~~) (18) "Election campaign" means any campaign in support of
29 or in opposition to a candidate for election to public office and any
30 campaign in support of, or in opposition to, a ballot proposition.

31 (~~((+18+))~~) (19) "Election cycle" means the period beginning on the
32 first day of January after the date of the last previous general
33 election for the office that the candidate seeks and ending on December
34 31st after the next election for the office. In the case of a special
35 election to fill a vacancy in an office, "election cycle" means the
36 period beginning on the day the vacancy occurs and ending on December
37 31st after the special election.

1 (~~(19)~~) (20) "Electioneering communication" means any broadcast,
2 cable, or satellite television or radio transmission, United States
3 postal service mailing, billboard, newspaper, or periodical that:

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

7 (b) Is broadcast, transmitted, mailed, erected, distributed, or
8 otherwise published within sixty days before any election for that
9 office in the jurisdiction in which the candidate is seeking election;
10 and

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

15 (~~(20)~~) (21) "Electioneering communication" does not include:

16 (a) Usual and customary advertising of a business owned by a
17 candidate, even if the candidate is mentioned in the advertising when
18 the candidate has been regularly mentioned in that advertising
19 appearing at least twelve months preceding his or her becoming a
20 candidate;

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

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

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

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

30 (iii) Not a medium controlled by a candidate or a political
31 committee;

32 (d) Slate cards and sample ballots;

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

37 (f) Public service announcements;

1 (g) A mailed internal political communication primarily limited to
2 the members of or contributors to a political party organization or
3 political committee, or to the officers, management staff, or
4 stockholders of a corporation or similar enterprise, or to the members
5 of a labor organization or other membership organization;

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

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

10 ~~((+21+))~~ (22) "Expenditure" includes a payment, contribution,
11 subscription, distribution, loan, advance, deposit, or gift of money or
12 anything of value, and includes a contract, promise, or agreement,
13 whether or not legally enforceable, to make an expenditure.
14 "Expenditure" also includes a promise to pay, a payment, or a transfer
15 of anything of value in exchange for goods, services, property,
16 facilities, or anything of value for the purpose of assisting,
17 benefiting, or honoring any public official or candidate, or assisting
18 in furthering or opposing any election campaign. For the purposes of
19 this chapter, agreements to make expenditures, contracts, and promises
20 to pay may be reported as estimated obligations until actual payment is
21 made. "Expenditure" shall not include the partial or complete
22 repayment by a candidate or political committee of the principal of a
23 loan, the receipt of which loan has been properly reported.

24 ~~((+22+))~~ (23) "Final report" means the report described as a final
25 report in RCW 42.17A.235(2).

26 ~~((+23+))~~ (24) "General election" for the purposes of RCW 42.17A.405
27 means the election that results in the election of a person to a state
28 or local office. It does not include a primary.

29 ~~((+24+))~~ (25) "Gift" has the definition in RCW 42.52.010.

30 ~~((+25+))~~ (26) "Immediate family" includes the spouse or domestic
31 partner, dependent children, and other dependent relatives, if living
32 in the household. For the purposes of the definition of "intermediary"
33 in this section, "immediate family" means an individual's spouse or
34 domestic partner, and child, stepchild, grandchild, parent, stepparent,
35 grandparent, brother, half brother, sister, or half sister of the
36 individual and the spouse or the domestic partner of any such person
37 and a child, stepchild, grandchild, parent, stepparent, grandparent,

1 brother, half brother, sister, or half sister of the individual's
2 spouse or domestic partner and the spouse or the domestic partner of
3 any such person.

4 ~~((+26))~~ (27) "Incumbent" means a person who is in present
5 possession of an elected office.

6 ~~((+27))~~ (28) "Independent expenditure" means an expenditure that
7 has each of the following elements:

8 (a) It is made in support of or in opposition to a candidate for
9 office by a person who is not (i) a candidate for that office, (ii) an
10 authorized committee of that candidate for that office, (iii) a person
11 who has received the candidate's encouragement or approval to make the
12 expenditure, if the expenditure pays in whole or in part for political
13 advertising supporting that candidate or promoting the defeat of any
14 other candidate or candidates for that office, or (iv) a person with
15 whom the candidate has collaborated for the purpose of making the
16 expenditure, if the expenditure pays in whole or in part for political
17 advertising supporting that candidate or promoting the defeat of any
18 other candidate or candidates for that office;

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

23 (c) The expenditure, alone or in conjunction with another
24 expenditure or other expenditures of the same person in support of or
25 opposition to that candidate, has a value of eight hundred dollars or
26 more. A series of expenditures, each of which is under eight hundred
27 dollars, constitutes one independent expenditure if their cumulative
28 value is eight hundred dollars or more.

29 ~~((+28))~~ (29)(a) "Intermediary" means an individual who transmits
30 a contribution to a candidate or committee from another person unless
31 the contribution is from the individual's employer, immediate family,
32 or an association to which the individual belongs.

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

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

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

3 ~~((+29+))~~ (30) "Legislation" means bills, resolutions, motions,
4 amendments, nominations, and other matters pending or proposed in
5 either house of the state legislature, and includes any other matter
6 that may be the subject of action by either house or any committee of
7 the legislature and all bills and resolutions that, having passed both
8 houses, are pending approval by the governor.

9 ~~((+30+))~~ (31) "Legislative office" means the office of a member of
10 the state house of representatives or the office of a member of the
11 state senate.

12 ~~((+31+))~~ (32) "Lobby" and "lobbying" each mean attempting to
13 influence the passage or defeat of any legislation by the legislature
14 of the state of Washington, or the adoption or rejection of any rule,
15 standard, rate, or other legislative enactment of any state agency
16 under the state administrative procedure act, chapter 34.05 RCW.
17 Neither "lobby" nor "lobbying" includes an association's or other
18 organization's act of communicating with the members of that
19 association or organization.

20 ~~((+32+))~~ (33) "Lobbyist" includes any person who lobbies either in
21 his or her own or another's behalf.

22 ~~((+33+))~~ (34) "Lobbyist's employer" means the person or persons by
23 whom a lobbyist is employed and all persons by whom he or she is
24 compensated for acting as a lobbyist.

25 ~~((+34+))~~ (35) "Ministerial functions" means an act or duty carried
26 out as part of the duties of an administrative office without exercise
27 of personal judgment or discretion.

28 ~~((+35+))~~ (36) "Paid signature gatherer" means an individual who is
29 compensated through payments of money or other valuable consideration,
30 by a signature gathering business, to obtain signatures on a state or
31 local initiative, referendum, or recall petition.

32 (37) "Participate" means that, with respect to a particular
33 election, an entity:

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

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

37 (c) Endorses a candidate before contributions are made by a

1 subsidiary corporation or local unit with respect to that candidate or
2 that candidate's opponent;

3 (d) Makes a recommendation regarding whether a candidate should be
4 supported or opposed before a contribution is made by a subsidiary
5 corporation or local unit with respect to that candidate or that
6 candidate's opponent; or

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

14 ((+36+)) (38) "Person" includes an individual, partnership, joint
15 venture, public or private corporation, association, federal, state, or
16 local governmental entity or agency however constituted, candidate,
17 committee, political committee, political party, executive committee
18 thereof, or any other organization or group of persons, however
19 organized.

20 ((+37+)) (39) "Political advertising" includes any advertising
21 displays, newspaper ads, billboards, signs, brochures, articles,
22 tabloids, flyers, letters, radio or television presentations, or other
23 means of mass communication, used for the purpose of appealing,
24 directly or indirectly, for votes or for financial or other support or
25 opposition in any election campaign.

26 ((+38+)) (40) "Political committee" means any person (except a
27 candidate or an individual dealing with his or her own funds or
28 property) having the expectation of receiving contributions or making
29 expenditures in support of, or opposition to, any candidate or any
30 ballot proposition.

31 ((+39+)) (41) "Primary" for the purposes of RCW 42.17A.405 means
32 the procedure for nominating a candidate to state or local office under
33 chapter 29A.52 RCW or any other primary for an election that uses, in
34 large measure, the procedures established in chapter 29A.52 RCW.

35 ((+40+)) (42) "Prime sponsor or sponsors" means the registered
36 voter or voters who complete the affidavit for proposed initiative or
37 referendum or files a recall petition under chapter 29A.56 RCW as well

1 as any persons who hold themselves out publicly as the sponsor of an
2 initiative, referendum, or recall petition.

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

6 ~~((41))~~ (44) "Public record" has the definition in RCW 42.56.010.

7 ~~((42))~~ (45) "Recall campaign" means the period of time beginning
8 on the date of the filing of recall charges under RCW 29A.56.120 and
9 ending thirty days after the recall election.

10 ~~((43))~~ (46) "Signature gathering business" means a business
11 whose primary activity or primary source of revenue is gathering
12 signatures for ballot measures, initiatives, or recall petitions.

13 (47) "Sponsor of an electioneering communications, independent
14 expenditures, or political advertising" means the person paying for the
15 electioneering communication, independent expenditure, or political
16 advertising. If a person acts as an agent for another or is reimbursed
17 by another for the payment, the original source of the payment is the
18 sponsor.

19 ~~((44))~~ (48) "State office" means state legislative office or the
20 office of governor, lieutenant governor, secretary of state, attorney
21 general, commissioner of public lands, insurance commissioner,
22 superintendent of public instruction, state auditor, or state
23 treasurer.

24 ~~((45))~~ (49) "State official" means a person who holds a state
25 office.

26 ~~((46))~~ (50) "Surplus funds" mean, in the case of a political
27 committee or candidate, the balance of contributions that remain in the
28 possession or control of that committee or candidate subsequent to the
29 election for which the contributions were received, and that are in
30 excess of the amount necessary to pay remaining debts incurred by the
31 committee or candidate with respect to that election. In the case of
32 a continuing political committee, "surplus funds" mean those
33 contributions remaining in the possession or control of the committee
34 that are in excess of the amount necessary to pay all remaining debts
35 when it makes its final report under RCW 42.17A.255.

36 ~~((47))~~ (51) "Treasurer" and "deputy treasurer" mean the
37 individuals appointed by a candidate or political committee, pursuant
38 to RCW 42.17A.210, to perform the duties specified in that section.

1 NEW SECTION. **Sec. 3.** (1) Registration with the secretary of state
2 is required for:

3 (a) All businesses operating in this state engaged in the activity
4 of collecting signatures for state or local initiatives, referenda, or
5 recall petitions and that are using paid signature gatherers; and

6 (b) All paid signature gatherers.

7 (2) Registration is valid for:

8 (a) Only one state or local initiative, referendum, or recall
9 petition in the case of a paid signature gatherer. In the event a paid
10 signature gatherer is gathering signatures for more than one state or
11 local initiative, referendum, or recall petition, registration and a
12 separate registration number is required for each petition. The
13 secretary of state shall provide each registered signature gatherer
14 with an individual registration number for each state or local
15 initiative, referendum, or recall petition on which signatures will be
16 gathered; and

17 (b) One calendar year in the case of a business operating in this
18 state engaged in the activity of collecting signatures for state or
19 local initiatives, referenda, or recall petitions and that are using
20 paid signature gatherers. In the event that a business becomes
21 involved with the collection of signatures for any state or local
22 initiatives, referenda, or recall petitions that are using paid
23 signature gatherers that were not listed on their original registration
24 for that calendar year, the business must notify the secretary of state
25 within five working days of becoming involved in the new petition.

26 (3) To register with the secretary of state, a paid signature
27 gatherer must provide:

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

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

30 (c) His or her signature;

31 (d) A list of the state or local initiatives, referenda, or recall
32 petitions on which the paid signature gatherer will gather signatures;

33 (e) A signed statement attesting that the paid signature gatherer:
34 (i) Has not been convicted of a criminal offense involving fraud,
35 forgery, or identification theft within the past five years; (ii) has
36 not been convicted of a crime under chapter 29A.84 RCW, or its
37 equivalent in another jurisdiction, in the past five years; and (iii)

1 has not been found in violation of elections law under chapter 29A.84
2 RCW, or its equivalent in another jurisdiction, in the past five years;

3 (f) A signed statement acknowledging that the paid signature
4 gatherer has read and understands Washington law applicable to the
5 gathering of signatures on state or local initiatives, referenda, or
6 recall petitions; and

7 (g) A conventional photograph showing the paid signature gatherer's
8 head, neck, and shoulders, and is appropriate for copying and
9 processing by the secretary of state; and

10 (h) A statement signed by the business operating in the state
11 engaged in the activity of collecting signatures for the state or local
12 initiative, referendum, or recall petition, which hired the paid
13 signature gatherer to gather signatures acknowledging that the business
14 is liable for violations of law or rule committed by the paid signature
15 gatherer obtaining signatures as provided in RCW 29A.84.220 and
16 29A.84.250.

17 (4) To register with the secretary of state, a business operating
18 in this state engaged in the activity of collecting signatures for
19 state or local initiatives, referenda, or recall petitions that is
20 using paid signature gatherers must provide:

21 (a) The name of the business as registered with the applicable
22 state agency depending on the business structure, which may include the
23 department of revenue or the department of licensing, as well as any
24 other names under which the business is doing business or any trade
25 names;

26 (b) The street address of the main office in the state, the mailing
27 address, if different, the office phone number, and the business e-mail
28 address, if any. If the business is operated out of a residence, the
29 residence shall be considered the main office for the purposes of this
30 subsection;

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

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

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

35 (i) Have not been convicted of a criminal offense involving fraud,
36 forgery, or identification theft within the past five years; (ii) have
37 not been convicted of a crime under chapter 29A.84 RCW, or its

1 equivalent in another jurisdiction, in the past five years; and (iii)
2 have not been found in violation of elections law under chapter 29A.84
3 RCW, or its equivalent in another jurisdiction, in the past five years;

4 (f) A list of the state or local initiatives, referenda, or recall
5 petitions on which the business will be involved with the gathering of
6 signatures; and

7 (g) A signed statement acknowledging the business owner or owners
8 have read and understand Washington law applicable to the gathering of
9 signatures on state or local initiatives, referenda, or recall
10 petitions.

11 (5) A person, including a business owner, is ineligible for
12 registration under this section if he or she: (a) Has been convicted
13 of a criminal offense involving fraud, forgery, or identification theft
14 in any jurisdiction within the past five years; (b) has been convicted
15 of a crime under chapter 29A.84 RCW, or its equivalent in another
16 jurisdiction, in the past five years; or (c) has been found in
17 violation of elections law under chapter 29A.84 RCW, or its equivalent
18 in another jurisdiction, in the past five years.

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

23 NEW SECTION. **Sec. 4.** The secretary of state shall adopt rules
24 necessary to implement sections 3 and 6 of this act, including rules
25 establishing procedures for registering persons for obtaining
26 signatures of electors on state or local initiatives, referenda, or
27 recall petitions.

28 NEW SECTION. **Sec. 5.** If a person obtains signatures of electors
29 on a state or local initiative, referendum, or recall petition, and the
30 paid signature gatherer was not registered as required by section 3 of
31 this act at the time the signatures were obtained, the signatures shall
32 not be invalidated because of the failure of the signature gatherer.
33 Any petition with an unsigned declaration or declaration that is
34 circulated by an unregistered signature gatherer is subject to a full
35 signature check by the secretary of state. Paid signature gatherers
36 found to have not registered with the secretary of state within

1 seventy-two hours of collecting their first signature shall be subject
2 to a fine in an amount not to exceed five hundred dollars. Fines
3 collected are expressly designated for deposit in the secretary of
4 state's revolving fund.

5 NEW SECTION. **Sec. 6.** (1) A registered paid signature gatherer who
6 knowingly submits an invalid signature will have his or her
7 registration number revoked and he or she is prohibited from
8 registering for five years from the date of the secretary of state's
9 revocation order. This subsection applies when:

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

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

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

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

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

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

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

3 (e) Has been determined by the secretary of state to have submitted
4 false information on his or her registration application.

5 NEW SECTION. **Sec. 7.** The failure to register under section 3 of
6 this act by a business operating in this state engaged in the activity
7 of collecting signatures for state or local initiatives, referenda, or
8 recall petitions using paid signature gatherers does not invalidate any
9 signatures gathered by the business and its paid signature gatherers.
10 Any business that fails to register under section 3 of this act and
11 submits petitions will be subject to a full signature check on all
12 submitted petitions by the secretary of state. Additionally, any
13 business operating in this state engaged in the activity of collecting
14 signatures for state or local initiatives, referenda, or recall
15 petitions found to have not registered within seventy-two hours of
16 collecting their first signatures shall be subject to a fine of not
17 less than ten thousand dollars or the cost of conducting a full
18 signature check, whichever is greater, as determined by the secretary
19 of state. Fines collected are expressly designated for deposit into
20 the secretary of state's revolving fund.

21 NEW SECTION. **Sec. 8.** The definitions in this section apply to
22 sections 5 and 7 of this act:

23 (1) "Circulator" means an individual who is a paid or volunteer
24 signature gatherer who obtains the signatures of voters on petitions.
25 A "circulator" does not include a person who only submits the signed
26 petitions to the secretary of state.

27 (2) "Paid signature gatherer" means an individual who is
28 compensated through payments of money or other valuable consideration,
29 by a signature gathering business, to obtain signatures on a state or
30 local initiative, referendum, or recall petition.

31 (3) "Prime sponsor or sponsors" means the registered voter or
32 voters who complete the affidavit for proposed initiative or referendum
33 or files a recall petition under chapter 29A.56 RCW as well as any
34 persons who hold themselves out publicly as the sponsor of an
35 initiative, referendum, or recall petition.

1 (4) "Signature gathering business" means a business whose primary
2 activity or primary source of revenue is gathering signatures for
3 ballot measures, initiatives, or recall petitions.

4 (5) "Volunteer signature gatherer" means an individual who is not
5 compensated through payments of money to obtain signatures on a state
6 or local initiative, referendum, or recall petition and is not required
7 to register under sections 3 through 7 of this act.

8 NEW SECTION. **Sec. 9.** (1) The secretary of state, by rule, may
9 collect a fee for businesses operating in the state engaged in the
10 activity of paid signature gathering to cover the costs of registration
11 incurred by the secretary of state, and to cover the costs associated
12 with conducting a full signature check on any petition that is not
13 signed by a signature gatherer. Additionally, a signature gathering
14 business is responsible for paying the costs of a full signature check
15 when that business fails to register within seventy-two hours of
16 collecting the first signature. Otherwise, a political committee of a
17 ballot measure, initiative, or recall petition is responsible for
18 covering the costs of a full signature check on petitions with unsigned
19 declarations.

20 (2) The fees collected under this section must be deposited into
21 the secretary of state's revolving fund established under RCW
22 43.07.130.

23 NEW SECTION. **Sec. 10.** Sections 3 through 7 of this act do not
24 apply to individuals who volunteer to engage in the activity of
25 collecting signatures for state or local initiatives, referenda, or
26 recall petitions.

27 **Sec. 11.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended to
28 read as follows:

29 If any legal voter of the state, either individually or on behalf
30 of an organization, desires to petition the legislature to enact a
31 proposed measure, or submit a proposed initiative measure to the
32 people, or order that a referendum of all or part of any act, bill, or
33 law, passed by the legislature be submitted to the people, he or she
34 shall file with the secretary of state a legible copy of the measure
35 proposed, or the act or part of such act on which a referendum is

1 desired, accompanied by an affidavit that the sponsor is a legal voter
2 and a filing fee (~~prescribed under RCW 43.07.120~~) of five hundred
3 dollars. If the measure is certified by the secretary of state for the
4 general election ballot, the sponsor shall receive a refund of four
5 hundred fifty dollars. Any sponsor who lacks sufficient assets or
6 income at the time of filing to pay the filing fee required by this
7 section shall submit at least one thousand valid signatures of
8 registered voters in order to be exempt from the filing fee.

9 **Sec. 12.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to
10 read as follows:

11 Petitions for proposing measures for submission to the legislature
12 at its next regular session must be substantially in the following
13 form:

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

15 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

16 To the Honorable, Secretary of State of the State of
17 Washington:

18 We, the undersigned citizens and legal voters of the State of
19 Washington, respectfully direct that this petition and the proposed
20 measure known as Initiative Measure No. and entitled (here set
21 forth the established ballot title of the measure), a full, true, and
22 correct copy of which is printed on the reverse side of this petition,
23 be transmitted to the legislature of the State of Washington at its
24 next ensuing regular session, and we respectfully petition the
25 legislature to enact said proposed measure into law; and each of us for
26 himself or herself says: I have personally signed this petition; I am
27 a legal voter of the State of Washington in the city (or town) and
28 county written after my name, my residence address is correctly stated,
29 and I have knowingly signed this petition only once.

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

33 The following declaration must be printed on the reverse side of
34 the petition, and must be signed by the signature gatherer who
35 circulated the petition sheet after the sheet has been signed by

1 petitioners but before the petition is submitted to the secretary of
2 state:

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

14 Signature _____
15 Date of Signature _____
16 Print Name _____
17 Print Street Address _____
18 Print City, State, Zip Code _____

19 Signing this declaration constitutes an oath subjecting the
20 signatory to the penalty of the law. The declaration must be
21 individually signed by the signature gatherer. Stamps or other
22 signature reproductions may not be used.

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

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

29 **Sec. 13.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to
30 read as follows:

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

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

2 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

3 To the Honorable, Secretary of State of the State of
4 Washington:

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

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

20 The following declaration must be printed on the reverse side of
21 the petition, and must be signed by the signature gatherer who
22 circulated the petition sheet after the sheet has been signed by
23 petitioners but before the petition is submitted to the secretary of
24 state:

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

1 election to be held on the . . . day of November, (year); and each of
2 us for himself or herself says: I have personally signed this
3 petition; I am a legal voter of the State of Washington, in the city
4 (or town) and county written after my name, my residence address is
5 correctly stated, and I have knowingly signed this petition only once.

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

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

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

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

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

34 RCW 9A.46.020 applies to any conduct constituting harassment

1 against a petition signature gatherer. This penalty does not preclude
2 the victim from seeking any other remedy otherwise available under law.

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

6 NEW SECTION. **Sec. 15.** A political committee of an initiative or
7 referendum petition must check each petition sheet to ensure the
8 declaration required in RCW 29A.72.110, 29A.72.120, or 29A.72.130 is
9 signed by the signature gatherer and must sign an affidavit attesting
10 the representative of the political committee verified that the
11 declaration on each petition sheet submitted to the secretary of state
12 has been completed and signed. The affidavit must accompany the
13 petition at the time of filing with the secretary of state.

14 NEW SECTION. **Sec. 16.** Sections 3, 4, 6, and 10 of this act are
15 each added to chapter 42.17A RCW.

16 NEW SECTION. **Sec. 17.** Sections 5, 7 through 9, and 15 of this act
17 are each added to chapter 29A.72 RCW.

18 NEW SECTION. **Sec. 18.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 19.** This act takes effect January 1, 2012.

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