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**HOUSE BILL 2383**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representative Hudgins

AN ACT Relating to maintaining the current initiative and referendum process while allowing a modern electronic signature gathering process alternative; amending RCW 29A.72.100, 29A.72.110, 29A.72.120, 29A.72.130, 29A.72.210, and 29A.72.140; reenacting and amending RCW 29A.84.230; adding new sections to chapter 29A.72 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. **Sec.**  The legislature finds that new technology has the potential to modernize our elections system in ways that encourage and facilitate greater citizen involvement while increasing transparency and ensuring security. The initiative process is one of the most direct ways in which citizens participate democratically in Washington. Offering a modern alternative to the current method of paper signatures increases the efficiency of this essential form of civic engagement, allowing more people to participate in a meaningful way.

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

(1) By January 1, 2019, the secretary of state shall establish a procedure that allows a person proposing a ballot measure the option to use a mobile petition signing application, approved by the secretary of state, to circulate an electronic petition and procure electronic signatures using a tablet or other approved device. An "electronic signature" is a graphical image created by the voter in affixing their handwritten signature to the electronic petition using a stylus or other specialized marking device. An electronic signature is treated as a "signature" required in RCW 29A.72.150.

(2) The procedure established must:

(a) Require that signature gatherers who use the mobile petition signing application physically circulate the electronic petition and procure electronic signatures in person;

(b) Allow the mobile petition signing application to access voter registration information to verify that a potential signer is a registered voter and eligible to sign the petition;

(c) Provide for the daily periodic update of voter registration information accessed by the mobile petition signing application pursuant to (b) of this subsection;

(d) Make the electronic petition available in English and other languages; and

(e) Follow other requirements established by the secretary of state by rule that will facilitate the implementation of this act.

(3) At the time of circulating the electronic petition, the mobile petition signing application must:

(a) Display a readable, full, true, and correct copy of the proposed measure;

(b) Be substantially in the form required by RCW 29A.72.110, 29A.72.120, or 29A.72.130; and

(c) Disclose a signature gatherer's paid status if he or she is receiving compensation for procuring signatures.

(4) A signature gatherer of an electronic petition who is procuring electronic signatures must:

(a) Be a resident of Washington;

(b) Register with the secretary of state;

(c) Disclose his or her paid or volunteer status to the secretary of state upon registration;

(d) Pay a fee of five dollars to the secretary of state upon registration;

(e) Complete training as required under section 3(3)(a) of this act for paid signature gatherers; and

(f) Complete his or her declaration pursuant to RCW 29A.72.110, 29A.72.120, and 29A.72.130.

(5) A violation of subsection (4) of this section is a gross misdemeanor punishable under RCW 9A.20.021.

(6) When the person proposing a measure has obtained the required signatures pursuant to RCW 29A.72.150, that person may file a copy of the petition with the secretary of state using the mobile petition signing application.

(7) The procedure established in this section is an alternative method for the collection of signatures from registered voters for an initiative or referendum petition and does not replace or modify the existing method set forth in RCW 29A.72.100.

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

(1) A person or entity that contracts with a business to hire paid signature gatherers to circulate electronic petitions pursuant to section 2 of this act must report the following information to the public disclosure commission:

(a) Name of the business;

(b) Contact information for the business including: Phone number, email, and names of designated points of contact for the business; and

(c) Unified business identifier number assigned to the business.

(2) The public disclosure commission shall report the information required under subsection (1) of this section to the secretary of state. The secretary of state shall post this information on its web site prominently under the relevant measure being proposed.

(3) Any business operating in this state and engaged in the activity of hiring paid signature gatherers that circulate electronic petitions shall:

(a) Provide training to paid signature gatherers that includes information of the rights and responsibilities of voters, signature gatherers, and public and private property owners. The training must be available electronically and easily accessible to the signature gatherers; and

(b) Maintain the following documentation on file:

(i) Name, contact information, and photograph of the paid signature gatherers they hire;

(ii) Proof of completed background checks for the paid signature gatherers showing no prior convictions relating to fraud under chapter 9A.60 RCW, election misconduct under chapter 29A.84 RCW, or identify theft under RCW 9.35.020;

(iii) Evidence indicating that the paid signature gatherers have completed training pursuant to (a) of this subsection; and

(iv) Proof that the business is registered in this state.

(4) A business under subsection (3) of this section shall provide the information listed under subsection (3)(b) of this section to the public disclosure commission, attorney general, or law enforcement upon request.

(5) Each violation of this section is punishable by a fine of up to five hundred dollars. The attorney general may bring actions to enforce compliance with this section.

(6) A "paid signature gatherer" means an individual who is compensated through payments of money or other valuable consideration to obtain signatures on an initiative or referendum petition.

**Sec.**  RCW 29A.72.100 and 2003 c 111 s 1811 are each amended to read as follows:

(1) The person proposing the measure shall print blank petitions upon single sheets of paper of good writing quality (including but not limited to newsprint) not less than eleven inches in width and not less than fourteen inches in length. Each petition at the time of circulating, signing, and filing with the secretary of state must consist of not more than one sheet with numbered lines for not more than twenty signatures, with the prescribed warning and title, be in the form required by RCW 29A.72.110, 29A.72.120, or 29A.72.130, and have a readable, full, true, and correct copy of the proposed measure printed on the reverse side of the petition.

(2) As an alternative to subsection (1) of this section, a person proposing the measure who chooses to procure electronic signatures must follow the requirements set forth in section 2 of this act.

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

(1) Paper petitions for proposing measures for submission to the legislature at its next regular session must be substantially in the following form:

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

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

To the Honorable . . . . . ., Secretary of State of the State of Washington:

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

(2) Electronic petitions for proposing measures for submission to the legislature at its next regular session must be substantially in the following form:

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

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

To the Honorable . . . . . ., Secretary of State of the State of Washington:

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

(3)(a) On paper petitions, the following declaration must be printed on the reverse side of the petition:

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 any 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.

(b) For electronic petitions, the circulator must complete the declaration in (a) of this subsection on the mobile petition signing application prior to filing the petition with the secretary of state.

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

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

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

(1) Paper petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election must be substantially in the following form:

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

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable . . . . . ., Secretary of State of the State of Washington:

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

(2) Electronic petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election must be substantially in the following form:

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

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable . . . . . ., Secretary of State of the State of Washington:

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

(3)(a) On paper petitions, the following declaration must be printed on the reverse side of the petition:

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 any 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.

(b) For electronic petitions, the circulator must complete the declaration in (a) of this subsection on the mobile petition signing application prior to filing the petition with the secretary of state.

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

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

**Sec.**  RCW 29A.72.130 and 2013 c 11 s 74 are each amended to read as follows:

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

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

PETITION FOR REFERENDUM

To the Honorable . . . . . ., Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No. . . . . ., filed to revoke a (or part or parts of a) bill that (concise statement required by RCW 29A.72.050) and that was passed by the . . . . . . legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the . . . . day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

(2)(a) On paper petitions, the following declaration must be printed on the reverse side of the petition:

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 any 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.

(b) For electronic petitions, the circulator must complete the declaration in (a) of this subsection on the mobile petition signing application prior to filing the petition with the secretary of state.

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

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

**Sec.**  RCW 29A.72.210 and 2003 c 111 s 1822 are each amended to read as follows:

If the secretary of state accepts and files an initiative or referendum petition upon its being submitted for filing or if he or she is required to file it by the court, he or she shall, in the presence of the person submitting such petition for filing if he or she desires to be present((~~,~~)):

(1) For paper petitions, arrange and assemble the sheets containing the signatures into such volumes as will be most convenient for verification and canvassing and shall consecutively number the volumes and stamp the date of filing on each volume; or

(2) For electronic petitions, arrange the electronic signatures in a way that will be most convenient for verification and canvassing and shall record the date of filing.

**Sec.**  RCW 29A.72.140 and 2003 c 111 s 1815 are each amended to read as follows:

The word "warning" and the following warning statement regarding signing petitions must appear on petitions as prescribed by this title ((~~and~~)). On paper petitions, this must be printed on each petition sheet such that they occupy not less than four square inches of the front of the petition sheet. If a mobile petition signing application is being used to circulate an electronic petition and procure electronic signatures pursuant to section 2 of this act, the word "warning" and the following warning statement must appear prominently on the signature screen.

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

**Sec.**  RCW 29A.84.230 and 2003 c 111 s 2111 and 2003 c 53 s 182 are each reenacted and amended to read as follows:

(1) Every person who signs an initiative or referendum petition with any other than his or her true name is guilty of a class C felony punishable under RCW 9A.20.021.

(2) Every person who knowingly signs more than one petition for the same initiative or referendum measure or who signs an initiative or referendum petition knowing that he or she is not a legal voter or who makes a false statement as to his or her residence on any initiative or referendum petition, is guilty of a gross misdemeanor.

(3) Consistent with RCW 9A.60.030, every person who obtains a signature by deception or duress is guilty of a class C felony.

**--- END ---**