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**ENGROSSED SUBSTITUTE SENATE BILL 5397**

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

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Warnick, Liias, Walsh, Nelson, O'Ban, Billig, Kuderer, King, Honeyford, Wilson, Pedersen, Hunt, Wellman, Saldaña, and Carlyle)

AN ACT Relating to disclosure in initiatives, referenda, and recall petitions; adding new sections to chapter 42.17A RCW; adding a new section to chapter 29A.04 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes that forged signatures on petitions is an increasing problem. Initiative or referendum petitions suspected of containing fabricated names or forged signatures have been submitted to the office of the secretary of state.

(2) The legislature recognizes that, because of the sensitivity of data collected by signature gatherers and the need to ensure public safety, it is important there be a level of accountability for those employed to collect signatures and those who employ signature gatherers as required for other employers and employees engaged in the political process in Washington.

(3) The legislature recognizes that the public has a right to know which entities are compensating individuals to gather signatures in Washington state, just as the public has a right to know which entities compensate lobbyists or contribute to political campaigns.

(4) The legislature further recognizes that it should be easier for voters and property owners to contact entities that compensate signature gatherers when signature gatherers cause problems such as harassment of customers to mitigate those problems.

(5) The legislature recognizes that requiring disclosure by the entities that compensate for petition signatures is consistent with Washington's existing disclosure laws, promotes transparency in government, and will result in more accurate information.

NEW SECTION. **Sec.**  A new section is added to chapter 42.17A RCW to read as follows:

(1) Any ballot measure sponsor or political committee that employs, or expects to employ, any person for the purpose of compensating individuals for gathering signatures on a state or local initiative, referendum, or recall petition in this state must, at the time of registration or within ten days of employing the person, disclose to the commission:

(a) The name of the person employed for the purpose of compensating individuals to gather signatures;

(b) The physical and mailing addresses of the person employed for the purpose of compensating individuals to gather signatures;

(c) The phone number of the person employed for the purpose of compensating individuals to gather signatures;

(d) An email address for the person employed for the purpose of compensating individuals to gather signatures; and

(e) A list of the initiative, referendum, and recall petitions for which the person employed is compensating individuals to gather signatures.

(2) The commission must make the information disclosed in subsection (1) of this section available to the public on its web site within two days of receipt.

NEW SECTION. **Sec.**  A new section is added to chapter 42.17A RCW to read as follows:

(1) The ballot measure sponsor or political committee must ensure that each person that directly compensates any individual for gathering signatures is keeping the following information on file until two years after the certification date of the ballot measures for which an individual was compensated for gathering signatures, and provide the information to the commission or any law enforcement agency if in response to an active investigation:

(a) The full name, and any assumed names, of the signature gatherer;

(b) The permanent address of the signature gatherer, and a Washington address if the signature gatherer is from out of state;

(c) The phone number of the signature gatherer;

(d) An email address for the signature gatherer;

(e) A digital photograph of the signature gatherer taken within the past twelve months that satisfies the requirements of a photo for a United States passport;

(f) A copy of the signature gatherer's driver's license, state identification card, or other government-issued photo identification;

(g) A list of the initiative, referendum, and recall petitions on which the signature gatherer will be gathering signatures or has gathered signatures;

(h) Documentation that the signature gatherer has completed a training program that includes the rights and responsibilities of voters, signature gatherers, public property owners, and private property owners in the initiative and referendum process. The training program must be available in electronic format and easy to access for the signature gatherer; and

(i) Confirmation that a national background check has been completed on the signature gatherer and that the signature gatherer has not been convicted of a criminal offense involving fraud, forgery, or identity theft in any state in the past five years, or has not been found in violation of any election law under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years.

(2) A person may not compensate any individual for gathering signatures on a state or local initiative, referendum, or recall petition if the individual:

(a) Has been convicted of a criminal offense involving fraud, forgery, or identification theft in any jurisdiction within the past five years;

(b) Has been convicted of a crime under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years; or

(c) Has been found in violation of elections law under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years.

(3) A person must, within five days, update his or her disclosure if he or she agrees to or compensates for signatures on an initiative, referendum, or recall petition not already disclosed.

(4) A person may not condition compensation for petition signatures based on receiving other petition signatures for free.

(5) Any violation of this section is subject to a penalty pursuant to RCW 42.17A.755.

(6) The commission may adopt rules to implement this section.

(7) Information disclosed to the commission or a law enforcement agency under this section is exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.04 RCW to read as follows:

(1) The secretary of state shall provide references to applicable statutes and case law for inclusion in training programs for signature gatherers as required by section 3(1)(h) of this act.

(2) The secretary of state shall post a link to the public disclosure commission's web site for each corresponding state initiative, referendum, or recall petition disclosing the information provided under section 2 of this act.

NEW SECTION. **Sec.**  This act takes effect January 1, 2020.

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