

HOUSE BILL REPORT

SHB 1509

As Passed House:

February 2, 1998

Title: An act relating to petitions to be filed with government.

Brief Description: Disclosing paid petition gathering.

Sponsors: Representatives D. Schmidt, Scott, Appelwick, Cooper, Thompson, L. Thomas, Dunn, Wensman, Carlson, Honeyford, D. Sommers, Koster, Chopp, Linville, Grant, Hatfield, Doumit, Dickerson, Constantine, Backlund, Kenney, O'Brien, Wolfe, Blalock, Gombosky, Cole, Butler, Tokuda, Gardner, Keiser, Costa, Mulliken, Quall, Morris, Ogden, Cody, Kessler, Anderson and Mason.

Brief History:

Committee Activity:

Government Administration: 2/19/97, 2/25/97 [DPS].

Passed House:

Passed House: 2/2/98, 92-5.

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunn; Dunshee; Murray; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: Steve Lundin (786-7127).

Background: The State Constitution authorizes state voters, powers of initiative and referendum on state legislation. Statutes implement this authority and describe the appearance of initiative and referendum petitions. Various crimes relating to the state initiative and referendum process are established in statute, including a class C felony and various gross misdemeanors.

Summary of Bill: A variety of requirements are made for petitions on state initiative and referendum measures.

Space must be provided on each petition for a state initiative or referendum measure where the person or persons who procured the signatures on the petition both signs and prints his or her name and address certifying that, to his or her knowledge, the signatures on the petition are valid.

If paid signature gatherers are being used to gather signatures on a petition for a state initiative or referendum measure, a statement must be included at the top of the petition stating that paid signature gatherers are being used and indicating the name of the group that is paying to circulate the petitions. This statement does not have to appear on the top of a petition for the same measure, if paid signature gatherers are not being used to solicit signatures on that petition.

Any person who provides compensation for persons to circulate signatures on a state initiative or referendum measure must keep records of the person who procured signatures for consideration on each separate petition. The records must be kept current and submitted to the secretary of state at the time the petitions are filed.

It is a gross misdemeanor for a person to circulate or procure signatures on a petition for a state initiative or referendum measure that fails to meet form requirements detailed in state law, including, where applicable, the requirement that a statement be included stating that compensation is being paid to persons for circulating the petition and the name of the group paying for the petitions to be circulated.

Only registered voters in this state may solicit signatures on state initiative or referendum petitions. A person who violates this requirements is subject to a civil penalty of not more than \$500 for each violation.

A person may only hire a registered voter of this state to solicit signatures on a state initiative or referendum petition. A person who violates this requirement is subject to a civil penalty of not more than \$1,000 for each violation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Paying for signatures is a form of buying signatures. The initiative process is being prostituted. This will create accountability and provide a tracking mechanism. We no longer have citizen initiatives. Voters are concerned with the current process. The name of the signature gatherer does not appear until after the signatures have been collected.

Testimony Against: This impairs people's rights. Fraud could exist in any petition effort, not just ones using paid signature gatherers. Why aren't there more bills on election security? Initiative No. 1 used paid signature gatherers in the 1930's. This is over reacting and will have a chilling effect.

Testified: (Pro:) Representatives Dave Schmidt, Mary Lou Dickerson, Val Ogden, and Jeff Morris, prime sponsors; Cherie Davidson, League of Women Voters; Jeff Cox, Washington Retail Association; Ron Taber, citizen; and Chuck Savage, Common Cause.

(Neutral:) Don Whiting, Office of Secretary of State.

(Con:) Jerry Sheehan, American Civil Liberties Union; Sherry Bockwinkel, CLEAN; Bruce DuCharme, Professional Petitioners; and Melissa Warheit, Public Disclosure Commission (con in part).