

HOUSE BILL REPORT

HB 1626

As Reported By House Committee On:

State Government

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

Brief Description: Disclosing paid petition gathering.

Sponsors: Representatives D. Schmidt, Ogden, McMorris, Romero, Wensman, Alexander, O'Brien, Radcliff, Lantz, Regala, Conway, McIntire, Poulsen, Hatfield, H. Sommers, Dickerson, Edmonds, Linville, Fisher, Cody, Santos, Murray, Kenney, Kessler, Rockefeller, Wood, Hurst, Keiser and Tokuda.

Brief History:

Committee Activity:

State Government: 2/9/99, 3/2/99 [DPS].

Brief Summary of Substitute Bill

- State initiative and referendum provisions are altered, including requiring the person who gathered signatures on a petition to acknowledge that to his or her knowledge the signatures are valid and requiring on the petition an indication of whether or not paid signature gatherers are being used.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert and D. Schmidt.

Minority Report: Do not pass. Signed by 2 members: Representatives Campbell, Republican Vice Chair and Dunshee.

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 various class C felonies and various gross misdemeanors.

Summary of Substitute Bill:

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

1) Acknowledgment that signatures are valid.

Space must be provided on each petition for a state initiative or referendum measure where, after the signatures have been obtained, each person who procured 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.

2) Indication on petition whether or not paid signature gatherers are being used.

An initiative or referendum petition must include a statement indicating whether or not paid signature gatherers are being used and if they are who is paying for the signature gathering.

3) Election crimes.

It is a gross misdemeanor for a person to circulate or procure signatures on a petition for a state initiative or referendum measure, or to submit a petition to the Secretary of State, knowing that the petition fails to truthfully provide the information about paid signature gatherers and the acknowledgment of the validity of the signatures.

4) Elimination of provisions found to be unconstitutional.

Various provisions of law relating to paid signature gatherers that have been found to be unconstitutional are deleted or repealed.

Substitute Bill Compared to Original Bill: Provisions are deleted requiring a person who pays for signature gathering to file the names of the signature gatherers with the Secretary of State. Provisions are deleted adding additional Public Disclosure Commission reporting requirements. Wording on the petitions is altered to indicate whether or not paid signature gatherers are being used. Unconstitutional provisions are repealed or deleted from statutes.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) An audit trail is established that can be used to find persons who may have forged signatures. This is drafted with the Colorado case in mind. It's good to have a verification of the signatures and to indicate on the petition whether paid signature gatherers are being used.

Testimony Against: None.

Testified: Representative D. Schmidt, prime sponsor; Melissa Warheit, Public Disclosure Commission; and David Elliott, Office of the Secretary of State.