

HOUSE BILL REPORT

EHB 1222

As Passed Legislature

Title: An act relating to ballot measure petitions.

Brief Description: Increasing accountability of ballot measure petitions.

Sponsors: By Representatives McDermott, Nixon, Ericks, Buri, Simpson, Shabro, Williams, Dickerson, Sells, Ormsby and Haigh.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/8/05, 2/16/05 [DP].

Floor Activity:

Passed House: 3/8/05, 79-19.

Senate Amended.

Passed Senate: 4/14/05, 32-13.

House Concurred.

Passed House: 4/20/05, 85-10.

Passed Legislature.

Brief Summary of Engrossed Bill

- Requires initiative and referendum petitions to contain a statement affirming the validity of signatures and acknowledging that certain behavior that can occur in connection with signature gathering is a crime.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Jim Morishima (786-7191).

Background:

In order to qualify for the general election ballot or be referred to the Legislature, an initiative must garner valid signatures of legal voters in an amount equal to at least 8 percent of the votes cast for the Office of Governor in the last gubernatorial election. In order to qualify for the general election ballot, a referendum must garner valid signatures of legal voters in an

amount equal to at least 4 percent of the votes cast for the Office of Governor in the last gubernatorial election.

A person who falsely signs an initiative or referendum petition or signs more than one initiative or referendum petition is guilty of an unranked class C felony. Under the Sentencing Reform Act, an unranked class C felony is punishable by 0-12 months in jail, a fine of up to \$10,000, or both. A person who offers any consideration or gratuity to sign or not to sign an initiative or referendum is guilty of a gross misdemeanor. A gross misdemeanor is punishable by 0-12 months in jail, a fine of \$5,000, or both.

Summary of Engrossed Bill:

Initiative and referendum petitions must contain the following statement printed on the reverse 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."

The crime of harassment applies to any conduct constituting harassment against a signature gatherer.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect January 1, 2006.

Testimony For: This bill does not impede signature gathering. It merely holds signature gatherers accountable if they engage in fraud and deceit. Forging signatures is already a crime, but it is hard to catch people who do it. This bill would require the signature gatherers to supply their names so we can go back and check. Failure to pass this bill will lead to more forgery and fraud.

Testimony Against: None.

Persons Testifying: Representative McDermott, prime sponsor; and Pat Thompson; Washington State Council of County and City Employees.

Persons Signed In To Testify But Not Testifying: None.