

SENATE BILL REPORT

HB 2296

As Reported by Senate Committee On:
Governmental Operations, February 27, 2014

Title: An act relating to duplicate signatures on petitions in cities, towns, and code cities.

Brief Description: Addressing duplicate signatures on petitions in cities, towns, and code cities.

Sponsors: Representatives Pike, Harris, Blake, Vick, Taylor, Overstreet, Farrell, S. Hunt and Pollet.

Brief History: Passed House: 2/12/14, 98-0.

Committee Activity: Governmental Operations: 2/27/14 [DPA].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Conway, Dandel, McCoy and Rivers.

Staff: Sam Thompson (786-7413)

Background: Several city and town proceedings involve petitions by voters or property owners. Standard requirements regarding form and sufficiency of petitions apply to petitions to incorporate or disincorporate a city or town; change a city or town's legal class; amend a city charter; initiate a city ordinance or subject a city ordinance to referendum; annex territory to a city or town; form a local improvement district; consolidate two or more contiguous cities; create a metropolitan municipal corporation; change the name of a city or town; or create a city transportation authority.

To be sufficient, a petition must include the requisite number of valid signatures, which varies depending upon the nature of the proceeding. A county auditor determines the sufficiency of voter signatures. A county assessor determines the sufficiency of property owner signatures.

One provision mandates that all signatures of any person who has signed a petition two or more times be stricken. That provision was challenged in litigation involving the sufficiency of city initiative petitions. In a February 10, 2014, decision, Division One of the Washington Court of Appeals held the provision unconstitutional. The court ruled that the provision

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impermissibly burdened the First Amendment rights of voters signing city initiative petitions multiple times.

Summary of Bill (Recommended Amendments): Provisions mandating that all signatures of any person who has signed a city or town petition two or more times be stricken are modified to provide that if a person signs a petition more than once, all but the first valid signature must be rejected.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Amendments): Language is clarified to provide that if a person signs a petition more than once, all but the first valid signature must be rejected.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on House Bill: PRO: This bill corrects a problem regarding duplicate signatures on city initiative petitions. Current law requiring striking of all signatures of duplicate signers was recently ruled unconstitutional by the Court of Appeals. This bill will match standards regarding duplicate signatures on city initiative petitions with standards regarding duplicate signatures on state ballot measure petitions.

Persons Testifying: PRO: Representative Pike, prime sponsor.