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HOUSE BILL 2404

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Anderson, McLean, Pruitt, Chandler, O'Brien, Hine, Bowman, Carlson, Ferguson, Ludwig, Brough, May and Hochstatter

Read first time 01/16/92. Referred to Committee on State Government.

1            AN ACT Relating to initiatives and referenda; amending RCW  
2 29.79.200, 29.79.440, 29.79.480, 29.79.490, and 42.17.090; adding new  
3 sections to chapter 29.79 RCW; prescribing penalties; and declaring an  
4 emergency.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 29.79 RCW  
7 to read as follows:

8            A person securing signatures on a petition shall warn each person  
9 who proposes to sign the petition that state law permits only  
10 registered voters to sign such a petition and shall direct the signer's  
11 attention to the warning printed on the petition under RCW 29.79.090,  
12 29.79.100, or 29.79.110. The person securing signatures on the  
13 petition shall ask each person who signs the petition to identify his

1 or her name and residence address and shall compare the person's  
2 response to the information entered on the petition.

3 The person securing the signatures on a petition shall sign an oath  
4 on the petition attesting that the signatures on the petition were  
5 secured in the presence of that person and that he or she performed the  
6 duties prescribed by this section for each such signature and attesting  
7 as to whether the person did or did not receive compensation for  
8 securing any of the signatures on the petition. The form of the oath  
9 shall be prescribed by the secretary of state by rule adopted in  
10 accordance with chapter 34.05 RCW. Any single petition sheet which  
11 does not contain such a signed oath is an invalid petition sheet and  
12 the signatures on it shall not be counted under this chapter.

13 **Sec. 2.** RCW 29.79.200 and 1982 c 116 s 15 are each amended to read  
14 as follows:

15 Upon the filing of an initiative or referendum petition, the  
16 secretary of state shall proceed to verify and canvass the names of the  
17 legal voters on the petition. The verification and canvass of  
18 signatures on the petition may be observed by persons representing the  
19 advocates and opponents of the proposed measure so long as they make no  
20 record of the names, addresses, or other information on the petitions  
21 or related records during the verification process except upon the  
22 order of the superior court of Thurston county. The secretary of state  
23 may limit the number of observers to not less than two on each side, if  
24 in his or her opinion, a greater number would cause undue delay or  
25 disruption of the verification process. Any such limitation shall  
26 apply equally to both sides. The secretary of state shall adopt rules  
27 in accordance with chapter 34.05 RCW establishing statistical sampling  
28 techniques which may be used for the verification and canvass of  
29 signatures on petitions and the secretary may use ((any)) statistical

1 sampling techniques so adopted for this (~~verification and canvass~~  
2 ~~which have been adopted by rule as provided by chapter 34.05 RCW~~)  
3 purpose.

4 If any of the signatures on the petitions supporting an initiative  
5 or referendum were secured by a person who received compensation for  
6 securing the signatures, the secretary of state shall treat all  
7 petitions supporting the initiative or referendum as though all of the  
8 signatures were secured by such persons. The size of the sample  
9 employed in any sampling technique used to verify and canvass the  
10 signatures on such petitions shall be twice as large as the sample used  
11 for such purpose for signatures secured wholly without such  
12 compensation.

13 No petition will be rejected on the basis of any statistical method  
14 employed, and no petition will be accepted on the basis of any  
15 statistical method employed if such method indicates that the petition  
16 contains less than one hundred ten percent of the requisite number of  
17 signatures of legal voters.

18 If the secretary of state finds the same name signed to more than  
19 one petition, he or she shall reject all but the first such valid  
20 signature. For an initiative to the legislature, the secretary of  
21 state shall transmit a certified copy of the proposed measure to the  
22 legislature at the opening of its session and, as soon as the  
23 signatures on the petition have been verified and canvassed, the  
24 secretary of state shall send to the legislature a certificate of the  
25 facts relating to the filing, verification, and canvass of the  
26 petition.

27 **Sec. 3.** RCW 29.79.440 and 1965 c 9 s 29.79.440 are each amended to  
28 read as follows:

1 Every person who signs an initiative or referendum petition with  
2 any other than his true name shall be guilty of a class C felony  
3 punishable under RCW 9A.20.021. Every person who knowingly signs more  
4 than one petition for the same initiative or referendum measure or who  
5 signs an initiative or referendum petition knowing that he is not a  
6 legal voter or who makes a false statement as to his residence on any  
7 initiative or referendum petition, shall be guilty of a gross  
8 misdemeanor punishable to the same extent as a gross misdemeanor that  
9 is punishable under RCW 9A.20.021.

10 **Sec. 4.** RCW 29.79.480 and 1965 c 9 s 29.79.480 are each amended to  
11 read as follows:

12 Every officer who willfully violates any of the provisions of this  
13 chapter or chapter 29.81 RCW, for the violation of which no penalty is  
14 herein prescribed, or who willfully fails to comply with the provisions  
15 of this chapter or chapter 29.81 RCW, shall be guilty of a gross  
16 misdemeanor punishable to the same extent as a gross misdemeanor that  
17 is punishable under RCW 9A.20.021.

18 **Sec. 5.** RCW 29.79.490 and 1975-'76 2nd ex.s. c 112 s 2 are each  
19 amended to read as follows:

20 Every person shall be guilty of a gross misdemeanor who:

21 (1) For any consideration or gratuity or promise thereof, signs or  
22 declines to sign any initiative or referendum petition; or

23 (2) Advertises in any manner that for or without consideration, he  
24 will solicit or procure signatures upon or influence or attempt to  
25 influence persons to sign or not to sign, to vote or not to vote upon  
26 an initiative or referendum petition, or to vote for or against any  
27 initiative or referendum; or

1       (3) (~~For any consideration or gratuity or promise thereof solicits~~  
2 ~~or procures signatures upon an initiative or referendum petition~~)  
3 Provides or receives consideration for soliciting or procuring  
4 signatures on an initiative or referendum petition if any part of the  
5 consideration is based upon the number of signatures solicited or  
6 procured, or offers to provide or agrees to receive such consideration  
7 any of which is based on the number of signatures solicited or  
8 procured; or

9       (4) Gives or offers any consideration or gratuity to any person to  
10 induce him to sign or not to sign, or to solicit or procure signatures  
11 upon an initiative or referendum petition, or to vote for or against  
12 any initiative or referendum measure; or

13       (5) Interferes with or attempts to interfere with the right of any  
14 voter to sign or not to sign an initiative or referendum petition or  
15 with the right to vote for or against an initiative or referendum  
16 measure by threats, intimidation, or any other corrupt means or  
17 practice; or

18       (6) Receives, handles, distributes, pays out, or gives away,  
19 directly or indirectly, money or any other thing of value contributed  
20 by or received from any person, firm, association, or corporation whose  
21 residence or principal office is, or the majority of whose members or  
22 stockholders have their residence outside, the state of Washington, for  
23 any service rendered for the purpose of aiding in procuring signatures  
24 upon any initiative or referendum petition or for the purpose of aiding  
25 in the adoption or rejection of any initiative or referendum measure:  
26 PROVIDED, That this subsection shall not apply to or prohibit any  
27 activity which is properly reported in accordance with the applicable  
28 provisions of chapter 42.17 RCW.

29       A gross misdemeanor under this section is punishable to the same  
30 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 29.79 RCW  
2 to read as follows:

3        The word "warning" and the warning statement regarding signing  
4 petitions that must appear on petitions as prescribed by RCW 29.79.090,  
5 29.79.100, and 29.79.110 shall be printed on each petition sheet such  
6 that they occupy not less than four square inches of the front of the  
7 petition sheet.

8        **Sec. 7.**    RCW 42.17.090 and 1989 c 280 s 9 are each amended to read  
9 as follows:

10        (1) Each report required under RCW 42.17.080 (1) and (2) shall  
11 disclose the following:

12        (a) The funds on hand at the beginning of the period;

13        (b) The name and address of each person who has made one or more  
14 contributions during the period, together with the money value and date  
15 of such contributions and the aggregate value of all contributions  
16 received from each such person during the campaign or in the case of a  
17 continuing political committee, the current calendar year:    PROVIDED,  
18 That pledges in the aggregate of less than one hundred dollars from any  
19 one person need not be reported:    PROVIDED FURTHER, That the income  
20 which results from a fund-raising activity conducted in accordance with  
21 RCW 42.17.067 may be reported as one lump sum, with the exception of  
22 that portion of such income which was received from persons whose names  
23 and addresses are required to be included in the report required by RCW  
24 42.17.067:    PROVIDED FURTHER, That contributions of no more than  
25 twenty-five dollars in the aggregate from any one person during the  
26 election campaign may be reported as one lump sum so long as the  
27 campaign treasurer maintains a separate and private list of the name,  
28 address, and amount of each such contributor:    PROVIDED FURTHER, That

1 the money value of contributions of postage shall be the face value of  
2 such postage;

3 (c) Each loan, promissory note, or security instrument to be used  
4 by or for the benefit of the candidate or political committee made by  
5 any person, together with the names and addresses of the lender and  
6 each person liable directly, indirectly or contingently and the date  
7 and amount of each such loan, promissory note, or security instrument;

8 (d) All other contributions not otherwise listed or exempted;

9 (e) The name and address of each candidate or political committee  
10 to which any transfer of funds was made, together with the amounts and  
11 dates of such transfers;

12 (f) The name and address of each person to whom an expenditure was  
13 made in the aggregate amount of more than fifty dollars during the  
14 period covered by this report, and the amount, date, and purpose of  
15 each such expenditure. A candidate for state executive or state  
16 legislative office or the political committee of such a candidate shall  
17 report this information for an expenditure under one of the following  
18 categories, whichever is appropriate: (i) Expenditures for the  
19 election of the candidate; (ii) expenditures for nonreimbursed public  
20 office-related expenses; (iii) expenditures required to be reported  
21 under (e) of this subsection; or (iv) expenditures of surplus funds and  
22 other expenditures. The report of such a candidate or committee shall  
23 contain a separate total of expenditures for each category and a total  
24 sum of all expenditures. Other candidates and political committees  
25 need not report information regarding expenditures under the categories  
26 listed in (i) through (iv) of this subsection or under similar such  
27 categories unless required to do so by the commission by rule. The  
28 report of such an other candidate or committee shall also contain the  
29 total sum of all expenditures;

1       (g) The name and address of each person to whom any expenditure was  
2 made directly or indirectly to compensate the person for soliciting or  
3 procuring signatures on an initiative or referendum petition, the  
4 amount of such compensation to each such person, and the total of the  
5 expenditures made for this purpose. Such expenditures shall be  
6 reported under this subsection (1)(g) whether the expenditures are or  
7 are not also required to be reported under (f) of this subsection;

8       (h) The name and address of any person and the amount owed for any  
9 debt, obligation, note, unpaid loan, or other liability in the amount  
10 of more than two hundred fifty dollars or in the amount of more than  
11 fifty dollars that has been outstanding for over thirty days;

12       ~~((h))~~ (i) The surplus or deficit of contributions over  
13 expenditures;

14       ~~((i))~~ (j) The disposition made in accordance with RCW 42.17.095  
15 of any surplus funds;

16       ~~((j))~~ (k) Such other information as shall be required by the  
17 commission by rule in conformance with the policies and purposes of  
18 this chapter; and

19       ~~((k))~~ (l) Funds received from a political committee not otherwise  
20 required to report under this chapter (a "nonreporting committee").  
21 Such funds shall be forfeited to the state of Washington unless the  
22 nonreporting committee has filed or within ten days following such  
23 receipt files with the commission a statement disclosing: (i) its name  
24 and address; (ii) the purposes of the nonreporting committee; (iii) the  
25 names, addresses, and titles of its officers or if it has no officers,  
26 the names, addresses, and titles of its responsible leaders; (iv) the  
27 name, office sought, and party affiliation of each candidate in the  
28 state of Washington whom the nonreporting committee is supporting, and,  
29 if such committee is supporting the entire ticket of any party, the  
30 name of the party; (v) the ballot proposition supported or opposed in

1 the state of Washington, if any, and whether such committee is in favor  
2 of or opposed to such proposition; (vi) the name and address of each  
3 person residing in the state of Washington or corporation which has a  
4 place of business in the state of Washington who has made one or more  
5 contributions in the aggregate of more than twenty-five dollars to the  
6 nonreporting committee during the current calendar year, together with  
7 the money value and date of such contributions; (vii) the name and  
8 address of each person in the state of Washington to whom an  
9 expenditure was made by the nonreporting committee on behalf of a  
10 candidate or political committee in the aggregate amount of more than  
11 fifty dollars, the amount, date, and purpose of such expenditure, and  
12 the total sum of such expenditures; (viii) such other information as  
13 the commission may prescribe by rule, in keeping with the policies and  
14 purposes of this chapter. A nonreporting committee incurring an  
15 obligation to file additional reports in a calendar year may satisfy  
16 the obligation by filing with the commission a letter providing  
17 updating or amending information.

18 (2) The treasurer and the candidate shall certify the correctness  
19 of each report.

20 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of the  
22 state government and its existing public institutions, and shall take  
23 effect immediately.