

SENATE BILL REPORT

SB 6243

As Reported By Senate Committee On:
Government Operations & Elections, January 30, 2006

Title: An act relating to ballot measures.

Brief Description: Clarifying laws on ballot measures.

Sponsors: Senators Kastama and Fairley; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 1/10/06; 1/30/06 [DPS, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Haugen, Kline, McCaslin, Mulliken and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton.

Staff: Mac Nicholson (786-7445)

Background: Explanatory statements for ballot measures and constitutional amendments are prepared by the Attorney General and appear in the voters' pamphlet. When the explanatory statement is filed, the Secretary of State (SoS) must immediately provide text of the statement to the person proposing the measure and any others who have made written request for notification of the explanatory statement. A person dissatisfied with the explanatory statement on an initiative or referendum can appeal the statement within five days of the filing date. A person dissatisfied with the explanatory statement on a constitutional amendment has ten days to challenge the statement.

If the SoS refuses to file an initiative or referendum petition, the person submitting it may appeal the refusal to Thurston County Superior Court within ten days.

In 2005, the Legislature required initiative and referendum petitions to include a declaration to be signed by the individual circulating the petition that, to the best of the circulator's knowledge, persons who signed the petition did so knowingly and without compensation. The declaration also informs the circulator that forgery is a class B felony and that offering any consideration in exchange for a signature is a gross misdemeanor. This declaration was not required of recall petitions.

Summary of Substitute Bill: The statute providing a ten day appeal period for challenges to explanatory statements for constitutional amendments is repealed. Language in the statute providing a five day appeal period for challenges to initiative and referendum explanatory

statements is amended such that the five day period applies to all explanatory statements (including statements for constitutional amendments). Saturdays, Sundays, and legal holidays are excluded from the five day appeal period.

Recall petitions must contain the same circulator declaration that appears on initiative and referendum petitions.

The SoS must (instead of may) refuse to file initiative or referendum petitions that are not in the form required by law, that clearly bear insufficient signatures, or that are submitted late. The time period in which to file an appeal of SoS refusal to file an initiative or referendum is changed from ten days to five days.

Substitute Bill Compared to Original Bill: The original bill provided that a person who circulates a ballot measure petition that appears to support a measure that differs from the actual measure attached to the petition is guilty of a gross misdemeanor. The substitute bill removes this provision.

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.

Testimony For: The Secretary of State would like to see a consistent deadline for appealing the explanatory statements for ballot measures of all kinds. It was set at five days, because the five day period already applies to a number of other election related appeals deadlines. Also, if the deadline is extended to ten days, then there are fewer days to actually collect signatures on the measure. The Secretary of State received stories of signature gatherers collecting signatures on what appeared to be one measure but was, in fact, a different measure, and this behavior needs to be criminalized.

Testimony Against: None.

Who Testified: PRO: Katie Blinn, Office of the Secretary of State; James Zukowski; Don Whiting.