

SENATE BILL REPORT

SB 5505

As Reported by Senate Committee On:
Governmental Operations, February 18, 2013

Title: An act relating to ensuring valid voter signatures on petitions count and timely validation of signatures.

Brief Description: Encouraging valid voter signatures on petitions count and timely validation of signatures.

Sponsors: Senators Roach, Chase, Hasegawa, Fain and Tom.

Brief History:

Committee Activity: Governmental Operations: 2/14/13, 2/18/13 [DPS].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 5505 be substituted therefor, and the substitute bill do pass.

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

Staff: Sam Thompson (786-7413)

Background: Since 1912, the Washington Constitution has authorized state initiatives and referenda. Most cities in Washington may, pursuant to statute, authorize city initiatives and referenda, and at least 60 have done so. Counties may authorize county initiatives and referenda in home rule charters; the six counties that have adopted home rule charters – Clallam, King, Pierce, San Juan, Snohomish, and Whatcom – have all done so.

Provisions governing state initiatives and referenda vary, in some respects, from provisions governing local initiatives and referenda.

Validity of Petitions. The Secretary of State may refuse to file submitted state initiative or referendum petitions if they lack required information and forms, clearly contain insufficient signatures, or are filed after time limits have expired.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

City initiative and referendum petitions must contain certain essential information and forms. Petitions containing the required number of signatures must be accepted as valid until their invalidity has been proved.

Same Person, Multiple Signatures. When reviewing state initiative and referendum petitions, if the Secretary of State finds the same name signed to more than one petition, all but the first valid signature must be rejected. A 1977 state Supreme Court decision established that a duplicate signer must be counted as one petitioner.

Conversely, when reviewing local petitions, including city initiative or referendum petitions, county officials are directed to strike all signatures of any person who has signed a petition two or more times.

Period to Determine Sufficiency of Petitions. The Secretary of State is not subject to a prescribed time limit to determine whether submitted state initiative or referendum petitions contain sufficient signatures. However, as a practical matter the Secretary of State must do so by early September to certify a measure for the general election in November.

County officials are likewise not subject to a prescribed time limit to determine whether submitted local petitions contain sufficient signatures, but must do so with reasonable promptness.

Summary of Bill (Recommended Substitute): When reviewing voter signatures on state initiative and referendum petitions, the Secretary of State must accept and not reject a valid signature if it matches the signature on the voter's registration, as long as existing requirements for validity of petitions are fulfilled.

When reviewing voter signatures on local petitions, county officials must accept and not reject a valid signature if it matches the signature on the voter's registration. If a person signed a petition two or more times, officials must count the original signature and strike any duplicate signatures.

County officials reviewing local petitions for sufficiency of signatures and other requirements must not take more than 60 days to determine sufficiency, excluding certain periods near elections, during recounts, and when decennial redistricting is being accommodated.

The act may be known and cited as the Valid Voter Signature Protection Act.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Substitute): The 60-day time limit for county officials to review local petitions for sufficiency of signatures and other requirements is clarified. County officials must make the determination within 60 days of the terminal date – a date not more than ten business days after petitions were transmitted to county officials – excluding the following periods: 20 days prior to a primary or general election and ending the day results are certified; five days prior to a special election not conducted at the same time as a primary and ending five days after that election; the day after results of a primary or general election are certified, when a recount is required or requested and ending the day the recount

is completed; and the day that a decennial redistricting plan takes effect and ending the last business day before the first succeeding period for filing of declarations of candidacy in May.

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 Original Bill: PRO: An issue regarding striking all signatures of persons signing a local petition two or more times arose in Clark County, and is being litigated. This is good legislation. The time limit to review local petitions for sufficiency should be considered and qualified to accommodate administrative challenges.

Persons Testifying: PRO: Stephen Pidgeon, attorney; Greg Kimsey, Clark County Auditor; Tim Eyman, 517.