

SENATE BILL REPORT

SB 5676

As of February 14, 2013

Title: An act relating to protecting personal voter signatures.

Brief Description: Protecting personal voter signatures.

Sponsors: Senators Braun, Benton, Holmquist Newbry, Padden, Becker, Honeyford, Rivers and Roach.

Brief History:

Committee Activity: Governmental Operations: 2/14/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Samuel Brown (786-7470)

Background: Initiatives and Referendums. The Legislature adopted processes for initiatives and referendums in 1912. These processes are preserved in Article II, section 1 of the Washington State Constitution and allow:

- initiatives to the people, where the issue is submitted for a vote of the people at the next state election;
- initiatives to the Legislature, where the issue is submitted to the Legislature at its next regular session;
- referendum measures, where laws recently passed by the Legislature are placed on the ballot after certification of petitions signed by registered voters; and
- referendum bills, where voters adopt laws proposed by the Legislature.

Initiative petitions require certified signatures from 8 percent of the total number of votes cast for the Office of the Governor at the last regular gubernatorial election to be placed on the ballot or submitted to the Legislature. Referendum petitions require certified signatures from 4 percent of the total number of votes cast for the Office of the Governor at the last regular gubernatorial election to be placed on the ballot.

After an initiative or referendum petition is filed, the Secretary of State verifies and canvasses the names of the petitioners to certify that a sufficient amount of signatures have been submitted to place the measure on the ballot or submit the measure to the Legislature. This process may be observed by representatives of the advocates and opponents of the measure, but those observers may not record the names, addresses, or other information

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about the petitioners without a court order. The Secretary of State may adopt rules to permit the use of various statistical sampling techniques during the verification and canvassing process.

Public Records Act (PRA). Under the PRA, state agencies must make all public records available for inspection and copying unless a specific exemption applies. The PRA contains no generalized privacy exemption from public inspection and copying. No specific exemption precludes public inspection and copying of ballot measure petitions.

Summary of Bill: The Secretary of State must produce two scanned copies of signed ballot measure petitions when verifying signatures: one copy containing all information on the petition, and one copy with personal signatures blacked out. The Secretary of State may use the copy containing all information for verification, but cannot allow public access to that copy.

A court may access the copy displaying voter signatures when reviewing a legal challenge, but the copy must remain under seal and subject to a protective order.

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: PRO: There is no good public use for the signatures. In our world, where we deal with identity theft, redacting the signatures seems like reasonable policy. Signatures are a personal identifier and can be used for non-genuine purposes. A scanned file can be readily accessed and a signature taken from a scanned document can appear in pleadings. This provides an opportunity for people to compromise and use those signatures. It would be appropriate to exempt petition signatures from the PRA. This is similar to the vote, which must be kept absolutely secret. This is trying to find a reasonable middle ground. The Secretary of State is the only one who has access to the voter registration database, so there is no chance for people to double-check the Secretary of State's office on signatures.

CON: The Secretary of State recommends that signatures are exempt or redacted. Doing two scans would be quite costly.

Persons Testifying: PRO: Senator Braun, prime sponsor; Edward Agazarm, citizen; Stephen Pidgeon, petition sponsor; Tim Eyman, Initiative 517.

CON: Katie Blinn, Office of the Secretary of State.